

TIGARD CITY COUNCIL  
MEETING

OCTOBER 26, 2004 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

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- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A  
TIGARD CITY COUNCIL MEETING  
OCTOBER 26, 2004

6:30 PM

- STUDY SESSION

>CONTINUED DISCUSSION OF 360 REVIEW

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

- 2. VISITOR'S AGENDA (Two Minutes or Less, Please)

- 3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve Council Minutes for September 21, September 28, and October 12, 2004
- 3.2 Receive and File:
  - a. Council Goal Update – Quarter 3
- 3.3 Budget Amendment No. 6: Permit Center/City Hall Remodel: Resolution No. 04-\_\_\_\_\_
- 3.4 Amend the Management/Professional Personnel Policies: Resolution No. 04-\_\_\_\_\_
- 3.5 Approval the City's MSTIP Project List for Consideration in the County's MSTIP Transportation Capital Program: Resolution No. 04-\_\_\_\_\_
- 3.6 Approve Changes to Council Ground Rules Visitor's Agenda: Resolution No. 04-\_\_\_\_\_

- Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.

- 4. MOBILE DATA COMPUTER (MDC'S)GRANT & BUDGET AMENDMENT #3: Resolution No. 04-\_\_\_\_\_

- a. Staff Report: Chief Bill Dickinson, Police Department
  - b. Council Discussion
  - c. Resolution No. 04-\_\_\_\_\_
- 5. PREVIEW OF THE NEW PERMIT CENTER
  - a. Staff Report: Jim Hendryx, Community Development/Gus Duenas, Engineering
  - b. Council Discussion
- 6. RESOLUTION TO EXPAND THE MISSION OF AND ADD NEW MEMBERS TO THE TRANSPORTATION FINANCING STRATEGIES TASK FORCE
  - a. Staff Report: Gus Duenas, Engineering
  - b. Council Discussion
  - c. Resolution No. 04-\_\_\_\_\_
- 7. COUNCIL LIAISON REPORTS
- 8. NON AGENDA ITEMS
- 9. ADJOURNMENT

October 13, 2004

Agenda Item No. 55

Meeting of 10/26/04

TO: Mayor and City Council

FROM: Sandy Zodrow, Human Resources Director

RE: 360 Degree Review – City Manager

Pursuant to the City Council's September 28<sup>th</sup> agenda item regarding the future 360 Degree Review for the City Manager, I have tried to recap those major points of the discussion for Council's future reference. They include:

- The 360 Degree Review instrument available through the International City/County Management Association (ICMA) was distributed by the City Manager to Council as a possible rating tool. This is part of the organization's credentialing process administered through Georgia State University. Completed ratings are sent to GSU where they are reviewed and compiled. The final report contains aggregate ratings from groups of raters, although an optional self assessment component can be sent back individually to the responder and their supervisor. The ICMA 360 Degree Review is specifically developed for City/County Manager positions.
- Council could develop their own 360 review instrument although this would require identifying rated behaviors, criteria for measurement, etc.
- Research based on companies/businesses using 360 Degree Review suggests that if an organization has not used 360 previously, the results from the first review are better utilized for career/development purposes as opposed to performance review.
- Councilor Sherwood indicated that she is interested in a broader perspective review for the City Manager, for example, from peers and community members. Councilor Sherwood felt the price for the ICMA instrument was reasonable; that raters could be grouped. Finally, that November/December was already too busy for Council to do the review during that time.
- Councilor Moore indicated that Council has the option to review and approve the proposed list of raters from the City Manager. The City Manager indicated that his recollection was also that it was a joint determination between him and the Council. In fact, the existing Employment Agreement between the City Manager and Council states:

"The performance review for 2005, based on Council's suggestions

will be a "360 Degree" review. Prior to January, 2005, Council and EMPLOYEE will discuss and agree to a format and process to be Carried out after January 1, 2005."

- Councilor Moore also stated that he does not want to use the 360 review as a performance appraisal tool but wants to use it to show the strengths, weaknesses, or to improve job levels. He wants all responses to be anonymous and for those raters to have a true understanding of how the City operates. If not, he felt it could throw the results of the ratings off. He felt the ICMA review understands the City Manager's responsibilities and liked it.
- Councilor Woodruff thought the ICMA tool looked like the way to go. He indicated the predetermined qualities were on point and felt that the crux of what Council was looking for is to have other people besides the Council weigh in on issues. He also noted there needed to be a discussion about who the 15 raters will be.
- Councilor Wilson questioned how the raters would be grouped together, noting that selecting the raters could take some time in that some will be directed to participate while others would need to be asked.
- Mayor Dirksen indicated that he felt the ICMA review represented the direction he was thinking about in terms of this kind of review.
- The City Manager stated that he and Council could work on the details of the review process between now and the end of the year.

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
September 21, 2004

1. WORKSHOP MEETING

- 1.1 Mayor Dirksen called the meeting to order at 6:31 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, and Woodruff were present
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non Agenda Items:

Mr. Monahan noted the items will be discussed at the end of the meeting.

Mayor Dirksen noted tonight was the last meeting Lindsay Boyce, Youth Advisory Council Liaison, would attend as ex-officio member of the Council. Ms. Boyce stated Rob Williams was elected to the position and will attend Council meetings during the coming year.

2. JOINT MEETING WITH THE BUDGET COMMITTEE

Finance Director Craig Prosser introduced Budget Committee members Irene Moszer, Mike Benner and Susan Yesilada. The Budget Committee Agenda is included in the Council packet.

1) Budget Amendments

Mr. Prosser distributed copies of the FY 2004-05 Budget Amendment Summary, which were then reviewed (Agenda Item #2, Exhibit 1 – copy of which is on file with the City Recorder).

2) Financial Reports

Mr. Prosser reminded Council they had reviewed the various financial reporting forms available and the first monthly Revenue and Expenditure for the General Fund had been distributed. Other funds will be reviewed at future quarterly meetings.

### 3) Discussion of November Ballot Measures

- a) Measure 37 – Governments Must Pay Owners, or Forego Enforcement, when Certain Land Use Restrictions Reduce Property Values

Community Development Director Jim Hendryx reviewed aspects of Measure 37 and information included in the agenda packet. Basically, no one has adequate funds to pay property owners if this measure is approved and cities, counties and the state will look at this on a case-by-case basis. Mr. Hendryx answered questions from members of the Budget Committee and Council.

- b) Measure 38 – Abolishes SAIF; State Must Reinsure, Satisfy SAIF's Obligations; Dedicates Proceeds, Potential Surplus to Public Purposes.

Risk Manager Loreen Mills reviewed the material included in the Council packet and answered questions of Council.

### 4. Bull Mountain Annexation

Mr. Prosser noted the Bull Mountain Annexation ballot measure will be on the November ballot, which included a phase in of taxes over three years. Staff analysis shows the taxes on property assessed at \$250,000 would be reduced by \$15 the first year, increase by \$167 the second year and \$318 the third year. He then discussed the issue of cost of service and revenue generated in the Bull Mountain area. The City is committed to begin the hiring process of additional police officers early in 2005 in order for those officers to go through the Police Academy and Tigard's tutoring type program new officers go through and be ready to begin patrolling the area on July 1, 2005. In the operations side, the annexation will more than pay for itself. Regarding capital needs for the area proposed to be annexed, the area does not produce sufficient revenues to pay for all the capital improvements that are needed. An analysis has not been conducted in order to determine all the needs of the area but they know the area lacks park facilities. The intent is to use money from cash flow from operating funds to support bonds to provide a pool of money to immediately begin buying land for parks in the annexed area. Otherwise, with tax phase-in, the process to buy land would not be able to occur as rapidly.

Mr. Prosser noted discussion continues with Washington County about approving and implementing a Park System Development Charge (SDC) system for this area. The residents of the Bull Mountain area had requested

that SDC's collected in the area be used in the area. The current City policy is that SDC's collected throughout the city is used throughout the city. This would require a change in policy.

Mayor Dirksen pointed out the Council had some discussion that the area proposed for annexation needs park land as well as the concept of using SDC's collected in the area specifically for projects in the area. The Council also noted there would not be enough SDC money collected in the area for some time and other money from the City would have to be used in order to have sufficient funds to acquire land for park purposes.

5. Telecommunications

a) Qwest /Verizon Audit Status

Mr. Prosser explained the City of Tigard has participated for the past two years with 70 jurisdictions about auditing Qwest and Verizon operations. Verizon finally allowed auditors on site in Dallas, Texas, in June. The plan is to have the audit concluded by the end of December.

b) Privilege Tax

Mr. Prosser reminded the Budget Committee that there had been some additional revenue options discussed at their meetings last May. One was a privilege tax, which is a tax on utilities. There was not a lot of interest or opposition expressed, so this continues to remain on the back burner.

Mr. Process discussed issues relating to the privilege tax:

- A new agreement negotiated with NW Natural was approved by the City and NW Natural in July, which included a 5% increase in the franchise fee which began to be implemented with customer's bills in August.
- The franchise agreement with Verizon expired in 2003 and staff has tried to negotiate a new franchise with Verizon. He reviewed the status of the lawsuit Qwest filed against the City of Portland which challenged the local franchising authority. Verizon has verbally indicated it would continue to abide by the terms of the old franchise agreement, including payment of the franchise fees, even though there is no agreement.



Because the agreement has expired, the City has no standing to require Verizon to pay the franchise fee.

- Other cities in this position have implemented a privilege tax ordinance on telecommunication companies, to the effect that if a franchise agreement is not in effect, the privilege tax controls. Staff could easily write an ordinance with a 5% level. Any proposed ordinance would apply to all telecommunication agencies as there are some existing companies operating in Tigard who do not have franchise agreements.
- Mr. Prosser indicated he could begin to write and submit a proposed privilege tax ordinance to telecommunication companies before being submitted to Council for consideration. He noted other cities in the region are in the same situation as Tigard with Verizon who have approved a privilege tax on telecommunications in order to protect themselves should any telecommunication company refuse to comply with the city's franchise requirements.

Council concurred to direct Mr. Prosser to study this issue further relating to how a privilege tax is shown on the bill, and where the tax comes from. Mr. Prosser indicated that if he finds the tax is within the rate base, he will first report back to Council, before beginning to work with the City Attorney on a draft ordinance. If the tax is on top of the rate base, it will probably just go away.

#### 6) Library Status Report

Mr. Prosser explained the Library construction budget was \$14.5 million; after the outstanding bills are paid, the cost will be \$13.8 million. The bond was \$13 million; under IRS regulations, that was the first amount spent. The city received a bequest from Grace Tigard Hotten for library purposes. As a result in reduction of funds from WCCLS this year, the hours of operation needed to be reduced beginning in July. The Library Board contacted Curtis Tigard, sister of Ms. Hotten, who approved using some of the bequest to increase the Library hours to 54 hours a week between July 1 and the end of November. In November, the City will be faced with deciding whether to reduce the hours or using other City funds for operating the Library.

Mr. Monahan noted a decision would need to be made by mid-November. Shortly before that, the Library Board will be talking about that and making a proposal to the City Council. The City has continued to ask guidance from Curtis Tigard as that bequest was made in his sister's name.

Mr. Prosser explained the balance in the construction budget is from the Hotten bequest. The City had transferred \$200,000 from the General Fund to the Facility Fund. This could be looked into. One of the concerns with the Hotten bequest is that it is one-time money and once used, it is gone.

Mayor Dirksen asked if those funds could be used to retire the bonds earlier. Mr. Prosser noted it could or it could be used to buy additional books, which might increase funding from WCCLS.

Councilor Moore asked what effect the reduced hours have had on circulation, and the funds received from WCCLS. Mr. Monahan explained the City receives WCCLS funding based on a number of factors, including circulation, internet use, open hours, and introduction of new materials into the collection. There has been an increase in circulation because of the new Library. Some funds were put aside in the City budget prior to the opening date to enhance the collections. The open hours are competitive with other libraries in that all have had to make adjustments in their hours of operation. The problem is the amount of money available in the WCCLS fund has been reduced and there is not a whole lot to be gained by increasing circulation. If the City made a push to increase the hours to 75 and circulate more books, there is not a whole lot more funding the City could get from WCCLS. The Advisory Board and staff have been making some decisions and soliciting input from patrons on how the current hours are working. The Library is not open on Sundays. There are some people who indicate the Library should be open on Sundays but have shorter hours during the weekday. There are a lot of different groups and categories of users using the Library and all need to be considered. Any time you go to the Library, there are a huge number of people using the Internet and people are taking the resources out the door.

### 3. REVIEW INITIAL DRAFT UPDATED PARKS SYSTEM DEVELOPMENT CHARGE METHODOLOGY

City Engineer Dennis Koellermeier explained this is a draft of the updated Parks System Development Charge Methodology. If Council approves, this process will begin the process to hold a public hearing on November 23. He noted the City

hired Don Ganer Associates to review and prepare the Parks & Recreation System Development Charge (SDC) Methodology Update, a copy of which is included with the agenda packet. Mr. Ganer is considered to be an expert on Parks SDC Methodology.

Don Ganer noted the draft report in the agenda packet will be updated to correct a number of typographical errors and include updated information. Mr. Ganer explained some significant changes to the system development charge statutes were made in the 2003 Legislative session. The most significant change is that SDC's have to be based on a specific list of projects that identifies the growth-related portion of the projects. This has made a huge difference in the way the process is laid out and how SDC money can be spent.

Mr. Ganer then reviewed several tables and data relating to the rate structure. Tigard currently has two types of SDC's for Parks, which are residential development and non-residential development. Changes have been taken into consideration in growth and population as well as employment. He then reviewed the report:

- Table 3.1 shows the projected increase between 2003 and 2008. The year 2008 was chosen because 2008 is the limit of the current Parks & Recreation Master Plan. The projected increases take into account both the current city area as well as the projected annexation of Bull Mountain as it is included in the City's planning area. The current rates were based on 1990 census data and the proposal incorporates 2000 census data. There is a discussion on the benefit of identifying non resident vs. resident demand on the system. The approach is very similar to the current methodology. Tigard's model has been used by a number of cities in terms of the non-residential demand ratio.
- Table 3.6 shows the weighted average hours for non-resident employee's use of facilities or potential use of facilities versus that of residents, in order to develop a ratio of 22.8. This means that it takes a little more than 4.5 employees to have the same impact on facilities used by one resident.
- Table 3.7 describes the needs for facilities. The Parks & Recreation Master Plan takes into account the entire planning area, as well as the Parks White Paper, to make sure all projects have been taken into account. Table 3.7 shows the current inventory of each type of park facility. The column "2008 Need" is what the Master Plan calls for Tigard to have. The difference between the "Current Inventory" column and the "2008 Need" column drives the other numbers. The difference between the "Current Inventory" and the "2008 Need" columns represents the current need.

This number is the total acres or miles of trails to meet the standard expected by the year 2008. This is based on the specific need by type of facility and will provide that information in the chart. The Overall Master Plan projected an overall need of a little over 11 acres per thousand, which is a very high level of service. This was what was identified in the capital improvement plan included in the master plan. That information will be included in the next draft report. This figure provides information on what is needed to meet that standard today. When the current need is compared with the current inventory, which identifies where the deficiencies are. There is already a deficiency of 17.15 acres of neighborhood parks which needs to be added to meet the needs of current residents. The growth from now through 2008 is only 3.59 acres. The growth needs determines how much the SDC rates should be and how much of a project can be allocated between SDC and non-SDC use. The information in Table 3.7 is what drives all the other numbers.

- Table 3.8 shows application of a cost per unit for each different type of facility, multiplies those numbers against the number of units that are needed to come up with the total cost, and how much is growth costs. Total new facility cost is \$27.7 million. Of that, \$10.4 million is growth-related, with the rest being non-growth related; meaning projects would have to be paid for from some other source of revenue.
- The SDC statute allows recouping administrative costs as part of the SDC fees. Page 12 shows the calculation for administrative and compliance costs to include those costs in the SDC calculations.

Mr. Ganer explained the next section gets into the calculation of the residential portion of the SDC rates:

- Table 4.1 shows the growth required costs and the compliance costs, for a total of \$9.5 million in SDC eligible residential costs.
- Table 4.2 divides figures from Table 4.1 to get a cost per capita, which is just under \$1,800, which is then multiplied by persons per dwelling unit.
- Table 4.3 shows a residential improvements cost per dwelling unit for single family residents, which is \$4,800.
- Mr. Ganer noted there needs to be taken into account the deficiency repair. Currently there is \$17.5 million in deficiencies that need to be paid for out of some other source and is included for the purpose of calculation. The Statutes do not require having a funded plan, but does require identification

of some feasible way to fund filling that deficiency. You cannot just impose an SDC and not do anything about it. If you do that, what you are saying is that growth is going to fill the hole, and SDC money cannot be used for that. He has calculated some "what ifs" scenarios. One "what if" would be if a bond issue was passed in a couple of years to make up that \$17.5 million. All of that money would be paid back by property taxes, but part of it would be from property taxes paid from growth areas, and property owners cannot be charged both the SDC and property taxes. A credit is calculated for the present value of the future property taxes. This tax credit is shown in Table 4.4.

- The bottom line in Table 4.5 shows improvement costs, less the tax credits, and ends up with an SDC per dwelling unit of \$3,893 for a single family dwelling unit.
- The same process is applied for non-residential SDC rates.
- Table 5.4 shows a rate of \$265 per employee.

Mr. Ganer stated there are the three appendices attached to the report. Appendix A is the capacity improvement program showing a number of different projects, not site specific, but general area specific, and shows a breakout between what portion of a project is growth related and non-growth related. The first six projects are identified as Bull Mountain neighborhood parks, either site acquisition or development, and shows a 40% growth need, 60% other needs. The reason for that is there has already been a lot of growth that has taken place in the Bull Mountain area. The total number of acres that are needed that are growth related is 40% of these projects. The funds were allocated on a 40/60 division, but could be modified to a 50/50 or even 30/70 split. Some could be 30/70 for one project or 50/50 for another project. Some jurisdictions use SDC funds for site acquisition only, and non for development. They will increase the allocation for the site acquisition and zero out the allocation for development. This type of issues are now required by Statute that there be this breakout by percentage.

Mr. Ganer explained the legislature did not change the statute that would allow jurisdictions to make changes in the plans at any time. If the plan is adopted, it can be modified. You are not stuck with the plan forever. If after the plan is adopted, you find a source of revenue that you had planned to use SDC's on something, you can reallocate the percentages, or you had planned to use SDC's and the other source of revenue is no longer available, you can reallocate. There is some flexibility; you are tied to the plan until it is modified.

Councilor Wilson asked how the money can be used that has already been collected.

Mr. Ganer noted this proposal anticipates growth need for future revenues that come in after this methodology goes into effect. The money already in the bank is allocated for projects included on this list. That list can be modified as well.

Mr. Koellermeier distributed a handout entitled "Parks Capital Fund – 5 year CIP" (Agenda Item #3, Exhibit 1, copy of which is on file with the City Recorder). This information was crafted to explain that the current planning is based on current resources, and identifies some commitments that have been made in the current capital improvement program which uses SDC's as the match for grant projects and debt services for a loan which had been pledged against current SDC's. It also shows projects currently in the works, what could be changed other than debt services, or even the possibility of pulling back from some existing grants. There is some reprogramming that could take place. He noted this is a substantial change to the methodology and different from the way the City has historically calculated the SDC methodology. This process pre-identifies projects and allocations that is growth related vs. non-growth related.

Mr. Ganer distributed a list of cities in the metro area to show how Tigard ranks with other cities and their SDC rates and is identified as Appendix B, (Agenda Item #3, Exhibit 2, copy of which is on file with the City Recorder). There are three jurisdictions with rates lower than Tigard's and 12 jurisdictions with higher rates. Three and possibly four jurisdictions are currently reviewing their rates and West Linn's fees, which are the highest in the region, are currently be reviewed by the Oregon Court of Appeals. Two other cities have already increased the rates which will take effect January 2005.

Councilor Woodruff stated many people have stated they felt Tigard's parks and open spaces are under-funded. If there a way in this process to justify a significant increase in SDC, he would support it.

Councilor Moore stated he was not aware that Tigard's SDC's were so low in comparison with other jurisdictions in the region.

Mayor Dirksen said he was concerned that the increase be justifiable. He said a lot of the methodology is anticipatory, based on the supposition that Bull Mountain will become part of the taxing authority area. He asked how the City can pull Parks SDC from that area without the authority to do so, and how are we going to be able to fund capital improvement projects without having the taxing authority for the area.

Mr. Ganer stated the Washington County Commissioners are currently dealing with that issue with the Tualatin Hills Park District. There is a lot of growth going on that outside the District but inside their planning area, just like Bull Mountain is in Tigard's planning area, and do not have any authority to impose the SDC on those areas outside the current District boundaries. They are working on an agreement with the County where the County is actually going to become the Park's provider and adopt the same methodology as the Park District. Washington County Commissioners are considering this agreement which is on their agenda next week. The County would have an intergovernmental agreement with the Park District on managing the money and the County would have to develop and maintain their own fund, but the money could be used on joint projects. The City of Tigard could do the same thing if they had an agreement with Washington County for areas outside the City's boundaries. There would have to be an additional agreement for maintenance. There are a lot of "if's."

Mayor Dirksen noted that based on these "if's," would the rates be challengeable.

Mr. Ganer said he didn't believe it would be, because Tigard is responsible for growth within its planning area. This is a formal agreement to manage the growth. To do something less than anticipation of all the growth that may occur would not be living up to the agreement.

Mr. Koellermeier stated he had asked Mr. Ganer the same question relating to how this affects the Bull Mountain area. He was told that Tigard still has the authority to plan and calculate what the need would need. If the annexation happens, that is fine and it is business as usual, and Tigard would address it as if the area was in the city at that time. If the annexation does not happen and the County did not come up with some way to collect the SDC's for the City, there will still be a need sometime in the future. The one factor we would not have is the income stream. The one difference is that the need has been ratcheted up.

Councilor Wilson asked if the money could be used to purchase property and not improve it.

Mr. Ganer responded it is correct that some cities just use SDC funds for land acquisition, and others also use the funds for development. Some cities have open space or trail corridors that are just open space and have used SDC money on it. One issue the Homebuilders Association used to challenge the Park SDCS in the City of West Linn, which the Circuit Court upheld, was that the city was buying open space with no plans to do anything with it, other than to maintain it as open space and that it was a non park and recreation facility. Several cities have decided that pending the outcome of the Court of Appeals decision, they are not using SDC

money to buy open space that they plan to leave as open space. They will buy land that has been identified as future recreation facilities, but not just open space.

Mr. Koellermeier noted that with Council's approval, the schedule will be to open this up for public comment and a public hearing scheduled at the November 23 Council meeting, after the outcome of the election is known. The intent of this meeting was to provide an initial introduction to the concept and to indicate there are substantial changes to the methodology, before beginning the public process. With Council's approval, the document will be distributed, he will establish a contact with the Homebuilder's Association and identify any issues they might have concerns about, and then hold the public hearing.

Mr. Monahan noted the last column on page 2 of Appendix B relating to the Parks Capital Fund 5 year projected balance, the beginning fund balance should be blank.

#### 4. PRESENT EXECUTIVE SUMMARY OF PARK & RECREATION ASSESSMENT SURVEY

Mr. Koellermeier introduced Melissa Martin from The Nelson Report, to present the findings of the Parks & Recreation Assessment Survey. Copies of the report were distributed to the public (Agenda Item #4, Exhibit 1). A copy of the report is on file with the City Recorder.

Melissa Martin, The Nelson Report, P O Box 12945, Salem, reviewed the questions and the survey results.

Carl Switzer, Chair of the Parks & Recreation Advisory Board, noted this was the first opportunity for the Advisory Board to see the results at the same time Council received the report. He noted that Dan Plaza, Parks Manager, did a good job of working with the consultant. He thanked the Council for their support and allowing the survey to be conducted. It appears there is some support for protecting wetlands and open space. The challenge for the Board is, what are we going to do with this information now that we have it. It is too late to put something on the November ballot, but maybe next year or the year after. The challenge will be to not lose momentum that indicates the City of Tigard residents may be ready for a recreation program and supports the protection of wetlands and open space.

Scott Bernhard, Parks & Recreation Advisory Board member, said there has been a lot of effort put forward on this survey and money is what it takes to make anything happen. The Board has a challenge of what to do with the survey now.



Councilor Sherwood noted that in order to get community support, she suggested the Advisory Board start making suggestions, looking a potential property, and plans.

Mr. Bernhard replied the Board has looked at ways to bring this to the community.

Councilor Moore stated his expectations would be for the Board to come to City Council with some recommendations, on a possible bond measure or how it feels the City should proceed. He felt the document contains some very valuable information. He felt the board should sit down, beat it to death, and come back in three or four months, to make some recommendations.

Mr. Monahan suggested that another element might be, now that the Board has this report and because the Committee is still relatively young in its existence and may not be well known to the community, that after the Board meets to discuss it, that they take the report out to the community and hold a couple of public meetings, to enlist input from the community. The respondents had very little information to go on. Perhaps the Board will find some community interests in the questions and results, thus being able to help identify some projects and properties for acquisition.

Councilor Wilson said while this is a good piece of work, he had some disappointments that there is not a bigger mandate on any particular area, as almost all the responses were 50/50.

Councilor Moore stated the results did not surprise him. Not everyone wants the same thing and there is not 100% agreement on everything. He almost expected these results.

Ms. Martin indicated the survey asked questions about a variety of different issues and there was a lot for the person on the phone to digest. As the survey progressed, the responses became mushier because there was so much information being requested at one time.

Councilor Sherwood stated when she participated in a survey recently, after 15 minutes, she had had enough and just couldn't concentrate on the questions.

Councilor Wilson noted the schools do surveys all the time. The schools have to educate the kids and have to find a way to sell it to the public. He asked if this type of response was typical. Parks are either there, great, but if they aren't, citizens will find something else to do. He thought that if the focus of the survey was a skateboard park, the responses would have been more focused. The survey was asking about too many proposals, and in looking at the results, it appears that green spaces had a lot of support. A case could be made for a community center from

the results of the survey. We could put together a proposal and try to sell it, but there was no clear mandate.

Ms. Martin explained that most of the time when surveys are conducted for school districts, there is a very specific project in mind. The public knows where it will be located and it is easy to zero in on the particular issue. As you saw in the community recreation center area, a variety of questions were asked trying to determine what information brought out a positive response. In most cases, they are only dealing with one or two proposals. Because there were so many projects for this particular questionnaire, they did not have the time to focus on any of the projects to get a real good feel for what the community really supported.

Mr. Switzer said one comment Councilor Wilson stated was there was no clear mandate on any particular issue. One page 2, it appears there is a clear interest in creating a recreation district. He noted the survey was conducted in a vacuum with no pre-publicity that the survey was going to be conducted, and the phone calls came out of nowhere. If there had been some publicity, even an article in the newspaper that this was being done, he felt the results might have been different. This was a cold call to citizens asking what they thought about recreation and parks.

Mr. Bernhard agreed no footwork was done, and who knows what kind of picture the Board could draw for the Council if there had been more time to do this. There is some real good quality input available and the results will provide some hare core data from citizens.

Mayor Dirksen agreed there was no clear mandate on this survey. He would have been surprised if there had been. It is nice to see the results of this survey, but the Parks & Recreation Advisory Board will need to take the data out to the citizens and then come back with some concrete recommendations on what the City should do.

Mr. Bernhard stated the survey is a starting point of discussion for the Board. They do not have any history, and there are some indicators in the survey on what citizens are interested in.

Mayor Dirksen recessed the study session at 9:05 p.m.

Mayor Dirksen reconvened the study session at 9:12 p.m.

## 5. SOCIAL SERVICES GRANT REVIEW & FUNDING PROCESS

Liz Newton, Assistant to the City Manager, explained the Council discussed this proposal on August 17. She reviewed the Rating Criteria that was included in the packet. Item No. 6 might be clearer if it read, "The agency demonstrates that a smaller portion of their funding requests will serve the same number of Tigard residents," or "More Tigard residents will be served for the same funding level that they received from the City in the previous fiscal year."

Councilor Woodruff asked how this item would affect the first time applicant. Ms. Newton noted that was a good point. The Council may want to change the values in the rating criteria. What has been discussed in the past is to make sure applicants were demonstrating they were looking for more funding sources.

Councilor Sherwood pointed out that other funding sources need to be provided on the application. Ms. Newton noted one of the criteria is that the applicant has demonstrated an effort to find other funding sources. Councilor Woodruff's point that if an agency is applying for the first time, they would need to show their efforts were demonstrated.

Mayor Dirksen stated an applicant would have to have a proven track record, so this just reinforces that. He did not think an agency would have to prove that they are doing better this year than the previous year, but if you can prove that, the application would have a higher standing.

Ms. Newton asked if that item should have a lower rating.

Councilor Sherwood agreed with a lower rating for item 6, as she would not like to see someone lose funding because of that.

The Council discussed redistributing the points.

Councilor Woodruff stated that instead of trying to come up with a revised statement for item No. 6 during the meeting, he would write something later and forward it to Ms. Newton for her review.

Ms. Newton reviewed the timeline for soliciting applications which begins in October. Once received, she will incorporate Councilor Woodruff's revision into the proposed rating criteria and forward the revised statement to Council for final review. She indicated reporting forms from the cities of Tualatin, Hillsboro and Beaverton were chosen as the cities from Washington County cities are familiar with Washington County's forms and programs, whereas Clackamas County's Social

Service program is slightly different. Agencies applying to Tigard would also be applying to Washington County and other cities.

The Council concurred to proceed with the application process after the revision of item No. 6 and revising the point distribution.

## 6. TRIMET COMMUTER RAIL STATION DESIGN

Jim Hendryx, Community Development Director, stated this has been an ongoing project for about eight years. There has been extensive discussion with Council and the downtown task force relating to some design concerns for the commuter rail stations. He then introduced Joe Walsh, TriMet, to update the Council.

Mr. Walsh distributed an outline of his presentation to Council (Agenda Item #6, Exhibit 1), copy on file in the office of the City Recorder. He stated he wanted to talk about where we are and where we are going relating to the station design.

- September 29 is "Distribution Day," meaning the project design is 60% complete. The project covers the 15 miles from Wilsonville to Beaverton, including tracks, signals, and park and ride facilities. The stations are the weakest part of the package right now in terms of percent complete.
- The biggest concern TriMet has relates to the cost estimates of the project. TriMet will begin discussion with the Federal agencies about the whole funding agreement, which is a major key of the entire deal. The estimated project cost is \$103.5 million, with 50% coming from the federal dollars and rest will be from "local" sources. No local money of consequence can be spent until the whole package is approved (federal and local money).
- They are looking at a proposal for self-propelled vehicles, which is a big innovation of this project.
- TriMet has gotten into the station design since he last met with Council, which is moving slower than anticipated. The major concern has been the interface of the station location with street crossing which has been larger than anticipated. TriMet has talked with the Tigard Downtown Task Force a number of times. The stations at the major cross streets at Hall, Main, and Tualatin Sherwood Road will be required to be 300 feet from the cross streets. Crossing gates are heavily regulated by the State of Oregon and federal mandates. There are regulations on how long a gate can be down. The regulations allow one minute unloading and loading before the gates have to come back up. He explained that there are two kinds of traffic on the same line: freight and passenger, which

is unusual. Gates will always come down when freight trains approach crossings and stay down. Right now, there is not a reliable way other than speed for the signal system to distinguish between a freight or passenger train. The train slows down and stops for the circuit to recognize the commuter train. Gates need to stay up while the passenger train comes into the station and loads, and as the train takes off, the gates are to come down. This is a huge issue that still needs to be addressed by the signal engineers, both by in house and the consultants, to see if there is a system available that can solve this problem.

Mayor Dirksen stated he felt there were systems available that can distinguish between the types of trains.

Mr. Walsh stated there is a budget element involved in the signal device as well. TriMet will need to convince the State of Oregon, the Federal Railroad Administration, and the Portland & Western Railway, that the signal device is reliable and manageable. There are some highly technical satellite and GPS systems being tested in the mid-west but these systems are three to five years from approval for use. They will continue to look into these revolutionary systems.

Mayor Dirksen stated his opinion was that having the station that far from Main Street is unacceptable.

Mr. Hendryx stated he did not believe Mr. Walsh completed the presentation on the separation and recognition of trains. It is critical that when the arms go down, the equipment be able to distinguish between a freight or commuter train. TriMet is saying that the technology is not yet available. Those concerns impact the distance of the stations from Main Street and Scholl's Ferry Road.

Mr. Walsh explained the need to have some margin of safety for station overrun. They know that Portland & Western operators are licensed and regulated by the Federal government, and the consequences for the Portland & Western operators overrunning a station or going through a signal are very significant as this is their livelihood. Things do happen with mechanical or tension issues, but there needs to be some provision for safe stopping. That has to do with how quickly the trains decelerate into the station. The commuter trains will start slowing down as they come into the station and travel at 10 MPH between the Hall Blvd. and Main Street stations. This concern creates a whole cascading series of considerations. TriMet continues to look for ways to make the stations line up with the transit center to make a clear and inviting path from Main Street back to the station. The intent is to widen out the tracks to accommodate the station, meaning there is approximately 16 feet gross area to include railing, lighting and plantings to create an inviting pedestrian walkway. TriMet is also looking at ways, from a visibility and attractive standpoint, to make a better tie from Commercial Street to the station.

Mr. Walsh pointed out there is a real problem with the station at Washington Square, south of Scholl's Ferry Road. The existing businesses in the area include Levitz, Toys 'R Us, and where Westside Propane is located. That location has been where the park and ride has been conceptually located. There are a number of challenges to locating the park and ride in this area, including security, access to the park and ride facility to the station and from Cascade Avenue. He pointed out some difficulties they were still faced with at this station.

Mr. Hendryx stated this station is physically located behind Toys 'R Us. TriMet will be looking at a couple of different options and recognizes the problems with visibility and access from the park and ride.

Mayor Dirksen said he didn't know if it made any difference which side of Scholl's Ferry Road the station is on, whether it is in Tigard or in Beaverton. If it is better if it is located on the other side of Scholl's Ferry and works better, he feels that is the better way to go.

Mr. Walsh stated TriMet has been talking about the location of that location in Tigard for long time; it would be difficult to begin discussions to move that station location now. He explained that Levitz had indicated a willingness to agree to a long term lease for the park structure on its property. They are faced with a different situation dealing with the downtown Tigard stations. He referred Council to the conceptual drawing of the station shelter on the back of the handout, and reviewed the project schedule before construction is to begin in the fall of 2005.

Mr. Hendryx noted TriMet is faced with some critical deadlines as the final design is scheduled to be completed in January 2005. TriMet will continue to meet with the Downtown Task Force on the issue of betterments over the baseline project. He asked how Council wants to be informed of progress or whether additional briefings were needed. Either he or Mayor Dirksen, who is a member of the Downtown Task Force, could keep the Council up to date on progress.

The Council concurred that either Mayor Dirksen or Mr. Hendryx would keep the Council informed.

Council concurred to proceed with last couple of items and go past 10 p.m. but proceed at this time with Item 8

## 7. CONTINUE DISCUSSION OF COUNCIL GROUNDRULES – VISITOR'S AGENDA

At the end of the meeting, Mr. Monahan noted that Joanne Bengtston had surveyed the Oregon Association of Municipal Recordors on how other cities handle comments from the public on items not on the agenda. She had prepared a spread sheet showing the responses.

Councilor Moore indicated there was some good information from other cities, generally which is similar to what is being done now.

Mr. Monahan stated this item would be added to the Study Session agenda at the September 28 meeting.

## 8. PROCESS FOR CONTIGUOUS ANNEXATIONS

Mr. Hendryx explained a number of developments have been proposed or approved in the area adjacent to the City which have an impact on the City. He reviewed a list of terms relating to annexation. Council has placed the Bull Mountain annexation ballot measure on the November 2004 ballot, but other developments will have an impact on the City independent of that vote. A map showing the location of developments with Consent to Annex and Waiver of Remonstrance's had been executed was reviewed, which included Tuscany Estates, Bella Vista, Summit Ridge, Alberta Rider, Arbor Summit 1 and 2 developments, and areas where islands existed or might be created as a result of annexation. Mr. Hendryx reviewed his staff report and recommendations which were included in the council packet.

Mr. Hendryx, in response to Council questions, indicated that Park SDC's may be lost if the Washington County Commission does not impose a proposed Park SDC program for the Bull Mountain area.

There was Council concurrence to:

- Not support cherry stem annexations in order to annex areas some distance from existing City limits,
- Avoiding purposely creating islands, but realizing that an island might be created as a result of annexing land approved for development,
- When an annexation petition is received, to continue the process of staff contacting other property owners to see if owners of adjacent property are interested in annexing at the same time,

- At this time, not proceeding with annexing islands without consent of property owners, and
- Continue with the existing policy relating to double majority of not annexing other properties without owner consent, but look at it on a case by case basis.

9. COUNCIL LIAISON REPORTS - none

10. NON-AGENDA ITEMS

➤ TVF&R REQUEST FOR A JOINT COUNCIL/BOARD MEETING.

Mr. Morrison indicated TVF&R has requested a joint council/board meeting in addition to the lunch meeting set for September 29.

Councilor Moore asked if whatever they are concerned about could be discussed at the lunch meeting.

Mr. Monahan stated their request did not include a specific reason for a joint meeting. He will check to see if their concern could be discussed at the September 29 lunch meeting.

➤ ATTENDEES FOR TVF&R LUNCHEON AT STATION 51 9/29/04  
Noon-1:15 P.M.

Councilor Moore, Sherwood, Wilson and Woodruff indicated they would attend the Joint Meeting with TVF&R.

➤ BENEFIT VERIFICATION SHEET – DEADLINE 9/30/04

Mr. Monahan noted the enrollment forms need to be submitted by September 30.

➤ ADMINISTRATIVE ITEMS

Calendar Review

- September 29: Lunch at TVF&R Station 51 – Noon – 1:15 pm



- October 12: Council Business Meeting 6:30 pm
- October 19: Council Workshop Meeting 6:30 pm
- October 26: Council Business Meeting 6:30 pm
- October 31: Daylight Savings Time Ends
- November 2: Election Day
- November 4 – 6: League of Oregon Cities Conference – Portland
- November 9: Council Business Meeting 6:30 pm
- November 11: Veterans Day – City Hall Closed
- November 16: Council Workshop Meeting 6:30 pm
- November 23: Council Business Meeting 6:30 pm
- November 25: Thanksgiving – City Hall Closed
- November 26: Holiday – City Hall Closed

Mr. Monahan noted he had talked with Steve Wheeler, Tualatin City Manager, who had proposed a joint meeting with the Cities of Tigard and Tualatin, and the Tigard/Tualatin School District Board, with the School District hosting the meeting. The School District had proposed a meeting date in October, but he and Mr. Wheeler had suggested delaying the meeting until mid-November, in order to invite the newly elected Council members to attend.

The Council concurred with Mr. Monahan's proposed date.

## 11. ADJOURNMENT

Study session recessed at 10:12 p.m.

  
Jane McGarvin, Deputy City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
September 28, 2004

The meeting was called to order at 6:30 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, Woodruff

- STUDY SESSION

- > LEAGUE OF OREGON CITIES REGISTRATION

Mayor Dirksen and Councilors Sherwood, Wilson and Woodruff indicated they would be attending the LOC meeting in November. Mr. Monahan noted he would send information to the Council Candidates and indicate that if they are elected, they are invited to attend the LOC annual meeting as well.

- > LIBRARY ART DEDICATION OCTOBER 9, 2:00 P.M.

Mr. Monahan noted the art being dedicated is the Children's Room art and the glass panel.

- > ADMINISTRATIVE ITEMS

- a. Calendar Review

- September 29: Lunch at TVF&R Station 51 – Noon
      - October 1: Strategic Planning Meeting 1-5pm
      - October 12: Council Business Meeting 6:30 pm
      - October 19: Council Workshop Meeting 6:30 pm
      - October 26: Council Business Meeting 6:30 pm
      - October 31: Daylight Savings Time Ends
      - November 2: Election Day
      - November 4 – 6: League of Oregon Cities Conference – Portland
      - November 9: Council Business Meeting 6:30 pm
      - November 11: Veterans Day – City Hall Closed
      - November 16: Council Workshop Meeting 6:30 pm
      - November 23: Council Business Meeting 6:30 pm
      - November 25: Thanksgiving – City Hall Closed
      - November 26: Holiday – City Hall Closed

Councilor Moore indicated he is out of town from October 23 to November 2.

Mr. Monahan distributed the Council's Strategic Planning Agenda for October 1.

Mr. Monahan noted the joint Tigard, Tualatin, and Tigard/Tualatin School Board meeting will be on Monday, November 15, at the School District office.

> SET DIRECTION OF 360 DEGREE REVIEW  
HOW COUNCIL WANTS STAFF TO PROCEED

City Manager Bill Monahan reminded Council that as part of his performance evaluation last May, Council suggested a 360 degree program evaluation be conducted in January. Sandy Zodrow, Human Resources Manager, has provided copies of articles about programs other cities use.

Mr. Monahan explained while checking on some professional growth programs for himself, he checked into the ICMA professional credential program, a part of which includes a 360 degree performance review program. He decided to go through the ICMA credential program and has purchased the program. Copies of the ICMA Performance Based Appraisal program were distributed (Exhibit 1 – Copy on file with the City Recorder), which he then reviewed. He explained the ICMA program is directed toward city management and would not require having to develop something new or be rewritten from a private sector program. Regardless of whether Council uses this officially, he will complete this assessment as part of his credentialing process. The first 17 questions determine the ranking criteria for questions 18 through 150.

Mr. Monahan stated this might be the instrument Council would like to use or as a base for further discussion if they wanted to go a different way. Ms. Zodrow could also review what she has learned in her review of the various 360 degree programs.

Human Resources Director Sandy Zodrow explained she has not personally administered a 360 degree review program, but has talked with other HR Directors who have. Council might want to purchase a packaged system or start one from scratch, which has many problems to overcome to make sure there is validation to what you are requesting. There are pluses and minus to any 360 degree review process, ranging from obtaining useful information to being a real disaster. The attractiveness of using the ICMA program is that it is set up for use in the public sector, criteria methodology has been established, and can be used right away. She asked the Council if the ICMA program is what they hoped to use.

Councilor Sherwood stated she was one of the Councilors who had requested a 360 degree performance review of the City Manager, but she wanted involvement from not only the Council, but subordinates, community members, department heads, and others.

Councilor Wilson stated he did not have any experience with this type of program, but was concerned about the people who would be selected to complete the surveys, to make sure there is a good representation on the survey panel. He would be concerned some people might hold either hold a grudge or be a good buddy of Mr. Monahan that would skew the results.

Councilor Moore explained the process he was familiar with is that Mr. Monahan would submit a list of people to Council and Council and Mr. Monahan would jointly approve the list of respondents. Last year, his employer conducted a 360 degree review program on his performance, and he liked what he saw. He concurred that in some areas, such as Finance, because Craig Prosser is Finance Director, Mr. Monahan did not have to focus so much on the Finance area, so that area may not be ranked as high. He concurred that the ICMA program would probably be better than those focusing on the private sector because they understand the city manager's responsibilities. He would insist that the responses be anonymous.

Councilor Sherwood stated the School District has used a 360 degree review program which she was ready to get copies of to see if it could be adapted to Mr. Monahan's position.

Councilor Woodruff stated he was concerned about who would receive and complete the surveys, but felt this provides extra scientific measure to the review process, and seems to be the way to go.

Mr. Monahan pointed out the sample list of how responders are selected and identified.

Councilor Moore cautioned that some people might not have a good understanding of how the city operates which could throw off the results.

Councilor Sherwood stated if one or two responses are not in the line with others, it might be they do not understand the issues, and if they are way off the scale, those responses are generally ignored.

Council discussed how responses would be tallied.

Mr. Monahan explained he would be required to complete a self-assessment survey and page 4 of the packet states, "After the results are analyzed, the report will contain aggregate rates from most groups of raters. Only your self-assessment and that of your supervisor(s) will be reported individually." He stated he paid \$195 for the 15 sets of surveys and envelopes. He asked what Council would like to do. He presented this tonight and suggested Council review the packet and discuss it further in a couple of weeks. Ms. Zodrow has an option which would cost \$40,000.

The Council concurred to look at the packet and come back in a couple of weeks to decide on the next step.

Ms. Zodrow urged Councilors to contact her if they have concerns or questions about the ICMA Performance Based Assessment program.

#### > DUST PLAN REVIEW

Risk Manager Loreen Mills indicated DUST stands for "Divvy Up Space and Technology." Conceptual plans for the office layout of the Permit Center and City Hall was described. The plans indicated where each department would be located, new conference rooms, and walls. There will be a need to purchase more modular units and cubicle panels. Work in the Permit Center is proceeding with metal studs being installed for the new walls and HVAC installation scheduled for installation next week. There was a fire in the old electrical panel which will require replacement. Some ceilings will be dropped to keep noise levels low.

Ms. Mills indicated that in City Hall, there will be a new door into Town Hall and a new control room constructed adjacent to Town Hall. The new entrance will allow the judge and court clerk to enter and exit the Town Hall during court directly instead of going through Red Rock Conference Room, even if meetings are been held. There will be limited construction in City Hall. The project mainly involves painting and recarpeting, and relocation of cubicles. There will also be additional conference rooms in City Hall.

Ms. Mills stated the Permit Center is scheduled to take place November 11, 12 and 13, and be open for business on Monday, November 15. There will be limited counter service on November 12, and City Hall is closed for the Veterans Day holiday on November 11.

Mr. Monahan reviewed the history of acquisition of the modular buildings beginning in 1988. Several departments have expressed interest in using the modular buildings, especially by the Police Department.

Ms. Mills stated one council meeting may need to be moved during the Town Hall construction. Mr. Monahan explained the option is either the Water Building Auditorium or the Library Conference Room.

Ms. Mills stated there will be a total of 96 employees in the Permit Center and over 30 will be in City Hall.

Mr. Monahan stated the City has anticipated this move for a number of years and has put money aside from the General and Building Funds for this project.

> DISCUSS COUNCIL GROUNDRULES – VISITOR’S AGENDA

Mr. Monahan stated that Joanne Bengtson contacted members of the Oregon Association of Municipal Recorders to ask how other municipalities handled citizen comments at their jurisdiction’s council meetings. Eleven responses were received which are shown on the spreadsheet. Other cities and counties call this citizen comment, oral communication, or citizen communication, and the time limit varies. He stated whatever the Council decides, the statement on the sign-in sheet needs to be consistent with the Groundrules.

The Council concurred to change the statement “Visitor’s Agenda” to “Citizen Communication.”

Mr. Monahan stated he would develop the resolution to be placed on an upcoming Council meeting agenda.

Study session recessed at 7:31 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the Council and Local Contract Review Board Meeting to order at 7:38 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson and Woodruff were present
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports

Councilor Moore stated he would be unable to attend the Willamette River Water meeting; Councilor Sherwood indicated she would attend that meeting.

Councilor Wilson stated he attended the Tualatin Basin Natural Resources Coordinating Committee Meeting yesterday at which time his proposed program was discussed. The Committee agreed to forward the statement to the Metro Council for official comment. The statement was discussed at length and nearly everybody seemed satisfied. Several committee members and citizens came up to him after the meeting and complimented him on his proposal.

#### 1.5 Call to Council and Staff for Non-Agenda Items

Mayor Dirksen introduced Rob Williams, new president of the Youth Advisory Council. Mr. Williams stated he is in the 9<sup>th</sup> grade at Jesuit High School, has been involved in the Youth Advisory Council since July 2003, and is interested in music, drama and city government.

## 2. PROCLAMATIONS

### 2.1 Proclaim Race Equality Week

### 2.1 Proclaim SMART Week (Start Making A Reader Today)

Hearing no objections, Mayor Dirksen stated he would sign the proclamations.

## 3. VISITOR'S AGENDA (Two Minutes or Less, Please)

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, distributed copies of her letter and one from Tim Ramis (Agenda Item #3, Exhibit 1, copy of which is on file with the City Recorder). Ms. Gaut explained she is on the mailing list relating to the Tualatin Basin Goal 5 process and received Mr. Ramis' letter. Mr. Ramis indicated in his letter he is advocating for certain regulatory positions on behalf of several land owners he represents. Mr. Ramis is also the City of Tigard's City Attorney. She is not sure whether Mr. Ramis has a conflict between representing Tigard and advocating for regulations which might not reflect Tigard's interest.

Mayor Dirksen stated he appreciated this being brought to the Council's attention. He had received the letter but had not read it in detail.

Councilor Wilson stated he also appreciated this being brought to Council's attention. He had also received the letter but had just skimmed through it, and had not looked at the possible conflict.

Ms. Gaut stated that attorneys in private practice face the possibility of having conflicts all the time, and there are ways to legitimize situations which

otherwise could result in a very sticky situation. She had received phone calls from other citizens who had received this letter asking what she thought about it because they didn't feel this was right.

Mr. Monahan suggested he talk with Mr. Ramis and review the action he took as it relates to his role as Tigard City Attorney, and then discuss this at the Council study session in two weeks.

Councilor Wilson agreed Mr. Monahan's talking with Mr. Ramis would be a good starting point.

Councilor Sherwood and Mayor Dirksen stated they would need time to review both the letter from Ms. Gaut and Mr. Ramis.

- John Frewing, 7110 SW Lola Lane, Tigard, noted the City has focused on annexation of the Bull Mountain area for a long time. Another area the City needs to annex is the Metzger area, in order to protect how the area is developed as well as to protect the greenway trail in that area. He was in City Hall recently asking to see the topographic information for the Metzger area and was told Tigard does not have that information. He also asked to see the urban planning area agreement covering the Metzger area, and the person at the Permit Counter was not aware if one existed.

Mr. Frewing requested the City Council create a check-off list for the Metzger area, including if one does not exist, getting an urban planning agreement approved with Washington County, is Tigard doing what it should be doing, monitoring and advocating for things that would be appropriate for Metzger once annexed into Tigard.

Councilor Wilson said this discussion should begin after the November election regardless of the outcome of the Bull Mountain annexation vote.

Mr. Frewing stated he had talked with Mr. Hendryx about the topographic information, and the person at the counter that he asked about the urban planning agreement was Kristie.

Mr. Monahan suggested that Community Development Director Jim Hendryx be asked to look into the specifics relating to the Metzger area and the Washington Square Regional Plan, to see what authority, commitment or opportunities Tigard has to be involved in the planning of the Metzger area. Mr. Hendryx would also need to contact his counterpart with the Washington County Community Development who has responsibility over the Metzger area to possibly begin the process to get the urban planning area agreement



executed if there isn't one in which Tigard's role is defined, and then report back to Council with that information. The urban planning area agreement for this area goes back a number of years, and staff would first need to review the existing agreement. He asked Council if they wanted staff to wait until after the election.

Councilor Wilson stated that if the Bull Mountain Annexation vote is for approval, there is an action plan for that area. If the ballot measure fails for Bull Mountain annexation, the question would be now what regarding Bull Mountain. If the measure fails, he would question how Tigard handles the unincorporated areas that are in the City's planning area, and whether the existing arrangement with Washington County continues.

Mr. Monahan noted this analysis might help the City build the foundation for future discussion.

4. **CONSENT AGENDA:** Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows:

- 4.1 Approve Council Minutes for August 17 and August 24, 2004.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

## 5. TIGARD BEYOND TOMORROW VISION UPDATE

- a. Staff Report: Liz Newton, Loreen Mills – City Administration

Risk Manager Loreen Mills reviewed the results of the survey which were included in the staff report.

Assistant to the City Manager Liz Newton then explained the Vision Task Force has had two meetings, and future meetings will take all this information and look at the goals and direction statements, determine if any modifications are needed, set some direction for the action committees that will be meeting later in the fall, and hopefully be able to forward them to Council before the

January goal setting. There is a really good group in the Vision Task Force. One concern they will be looking at overlaying on all the target areas, is the idea of communication to the citizen and citizen involvement, and looking at how the goals can be modified to ensure some real strides can be made in the communication area. The next Vision Task Force meeting is on September 29.

Mayor Dirksen asked how the survey was distributed and how were people chosen.

Ms. Mills explained the Task Force did not select who would complete the survey. The survey was sent out in the Cityscape, was available in the lobby of the library and City Hall, and was also available on the website. Citizens themselves decided whether they wanted to respond or not. All the results will be on the City website beginning next week, including the detailed comments and the overview summary.

Mayor Dirksen noted this was an opportune time for this information because Council holds its goal setting session shortly after the beginning of the year. These goals are not only for the coming year but also for longer term goals that will be seen over a few years. This survey information will help Council determine what areas should be targeted.

Councilor Wilson asked if these questions were different from earlier surveys, as there seems to be more open-ended questions.

Ms. Newton responded this was similar to prior surveys, but there were more open ended questions this time. The Vision Task Force looked at the issues that were presented and the goals and was trying to have some consistency, but also make determinations about specific areas they felt the City might want to focus on. They wanted to ask the community whether they agreed with those specific concerns.

6. PUBLIC HEARING TO FINALIZE FORMATION OF SANITARY SEWER REIMBURSEMENT DISTRICT #26 (121<sup>st</sup> AVENUE)

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Gus Duenas reviewed the staff report including a PowerPoint presentation, which outlined that the construction of improvements have been completed and final costs have been determined. (Copy of the PowerPoint slides are on file in the office of the City Recorder) He noted that the final

cost of the project on page two needed to be corrected to reflect the cost of \$41,741.35.

- c. Public Testimony: None
- d. Staff Recommendation: Approve the proposed resolution to form Reimbursement District No. 26 as modified by the City Engineer.
- e. Council Discussion

Mr. Duenas responded to questions about the cost to homeowners and indicated the cost will vary.

- f. Mayor Dirksen closed the public hearing.
- g. Consideration by Council: Motion by Councilor Sherwood, seconded by Councilor Moore to approve Resolution No. 04-68

RESOLUTION NO. 04-68, A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 (121<sup>ST</sup> AVENUE SOUTH OF ROSE VISTA DRIVE)

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes
Councilor Woodruff	-	Yes

## 7. SUMMER READING PROGRAM RECAP

Library Director Margaret Barnes presented a PowerPoint presentation as her staff report to review the variety of activities conducted during the Summer Reading Program. A copy of the PowerPoint slides was included in the staff report.

## 8. POLICE DEPARTMENT REPORT

Police Chief Bill Dickinson presented a staff report which incorporated a PowerPoint presentation outlining the activities of the Police Department. Information was presented about each of the divisions, including Patrol, Criminal Investigation Unit, Public Information Office, Training, Accreditation and Grants, Research Analysis and Planning, and Records and Property Files. The Department is looking at creating several regional satellite stations in order to deploy officers more efficiently. Proposed

stations would be recommended in the Washington Square area, and if the Bull Mountain annexation is approved, one in that area.

Councilor Wilson asked Chief Dickinson to comment about the statements made during the Bull Mountain Annexation process that Tigard has a higher crime rate than New York City.

Chief Dickinson responded that Tigard has a high volume of petty theft which occurs in the large commercial area of Washington Square. New York City has a much larger problem in that they have a high violent crime rate, which includes assaults and murder, which Tigard does not. All police agencies are required to send reports to the FBI, which calculates and distributes the crime statistics.

## 9. RESURRECT THE AMERICAN DREAM DAY CAMPAIGN

Ms. Newton reviewed the concepts of the American Dream Campaign which the National League of Cities is sponsoring. The campaign is designed to:

- "Increase awareness of the growing divides between rich and poor and haves and have-nots and why solving this problem should matter to all Americans;
- Build a bipartisan commitment to working together at all levels of government to develop programs and policies that will begin to solve the problems, and
- Urge support for a domestic agenda in 2005 that (1) supports families and children through access to a good education and affordable health; (2) puts affordable housing and homeownership within reach for all Americans, and (3) grows local economies to increase jobs and opportunities to develop new skills to match job openings."

Councilor Wilson expressed his concern that the proposed policy statement might conflict with local jurisdictions.

Ms. Newton explained this will also be used to develop next year's legislative agenda.

Councilor Sherwood noted there are many families who are homeless as there is no affordable housing available, go hungry on a daily basis, and do not have access to needed health care. She would support this proposal.

Ms. Newton pointed out the events taking place throughout the nation today to draw attention to the campaign as outlined.

Motion by Councilor Sherwood, seconded by Councilor Moore to approve Resolution No. 04-69

RESOLUTION NO. 04-69, A RESOLUTION OF COMMITMENT TO RESURRECTING THE AMERICAN DREAM

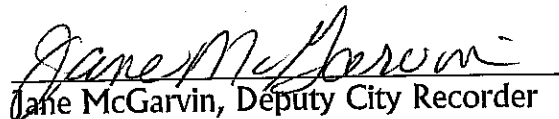
The motion was approved by the following vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	No
Councilor Woodruff	-	Yes

10. COUNCIL LIAISON REPORTS - None

11. NON AGENDA ITEMS - None

12. The meeting was adjourned at 9:20 p.m.

  
Jane McGarvin, Deputy City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
October 12, 2004

The meeting was called to order at 6:30 p.m. by Mayor Dirksen.

Council Present: Mayor Dirksen, Councilors Moore, Sherwood, Wilson. Councilor Woodruff was excused.

- STUDY SESSION

- > UPDATE ON CITY HALL DAY

City Manager Bill Monahan explained the City Hall Day would be held October 14, at which time candidates for Representative and Senate are invited to discuss issues. The meeting will be taped for rebroadcast on cable television. The League of Oregon Cities is sponsoring this event throughout the State.

Assistant to the City Manager Liz Newton further explained the event gives an opportunity for elected officials to meet with candidates for the state house and senate to discuss issues. The League of Oregon Cities provided a list of potential issues. Staff will present information on water rights, property rights legislation, and telecommunication franchise and stable finances. The meeting begins at 7 p.m. in Town Hall. King City representatives were invited to this meeting.

- > JOINT MEETING- TIGARD TUALATIN SCHOOL DIST/CITY OF TUALATIN

Mr. Monahan reminded Council of the Joint Meeting with the Cities of Tigard and Tualatin and Tigard/Tualatin School District on Monday, November 15, to begin either at 6 or 6:30 p.m. The meeting will be hosted by the School District.

- > MADE A DIFFERENCE DAY OCTOBER 16, 2004

Mr. Monahan stated a flyer is included in the packet about this event. Councilors were requested to RSVP if they are able to attend. Ms. Newton noted the Youth Advisory Forum will be involved in this event.

> LEAGUE OF OREGON CITIES – DESIGNATION OF VOTING DELEGATE

Councilor Sherwood was designated to be Tigard's voting delegate as she is the only current councilor scheduled to attend the League of Oregon Cities meeting in November.

> NW MEDICAL TEAMS LETTER

Mayor Dirksen stated the NW Medical Teams head office is now located in Tigard and the organization is celebrating its 25<sup>th</sup> anniversary this fall with a special dinner. Councilors are invited to attend. He will provide information relating to the date and location. Councilor Sherwood indicated she would like to attend but would pay for her own tickets.

> CITY RECORDER POSITION

Mr. Monahan noted City Recorder Cathy Wheatley has indicated her intent to return from her leave of absence December 6, but is asking to reduce her hours to 28 hours a week and to redistribute some of her responsibilities. Previously Ms. Wheatley was part of Administration but it is proposed she be moved to Office Services and work under the direction of Nadine Robinson, Office Services Manager. After Finance moves to City Hall, he is proposing that some of his administrative support be provided by Finance. There are more details to be worked out. By Charter, the City Recorder works directly for the Council which is why this was being discussed. He asked if Council had any objection to this arrangement.

Councilor Sherwood asked if Ms. Wheatley would be able to do her work with only 28 hours a week.

Mr. Monahan explained she will try this arrangement, but there are times when adjustments may be required.

The Council agreed with Ms. Wheatley's request to work 28 hours a week as City Recorder.

> BALLOT BOX

Mr. Monahan stated a temporary ballot box will be installed later this week to be located in the island located in the area where the skatepark is proposed. The intent is for traffic to come off Hall Blvd., turn right into the public parking area to the box, and then exit onto Burnham Road. The City did not

want the box located in the circular driveway. The intent is to find a permanent location later.

> **TIM RAMIS' LETTER REGARDING CONFLICT OF INTEREST**

Mr. Monahan stated this discussion is a result of Alice Ellis Gaut's comments at the September 28 Council Meeting during the Visitor's Agenda regarding Mr. Ramis' letter concerning the Goal 5 process. Mr. Ramis was representing a client and the concern was whether the comments on behalf of his other client might conflict with his responsibilities as Tigard's City Attorney.

Mr. Ramis stated he understood that some might feel there was a conflict, but in fact the letter on behalf of another client was actually in support of the City's position to forward Councilor Wilson's letter to the Tualatin Basin Natural Resources Steering Committee relating to Goal 5. He contacted the State Bar to be sure they did not feel there was a violation or perceived conflict of interest, which they did not. He explained he has served as legal counsel for other jurisdictions, and there have been times when the interests of private clients were in conflict with representing the municipality. In those cases, there are reciprocal agreements in place with other attorney's to represent the municipality. He urged the Council that if they ever feel there a question about a perceived conflict of interest or a legal problem, to notify him immediately. He also noted the city's interest comes before his representation of private clients.

Councilor Wilson stated he did not feel this was an issue when he first saw Mr. Ramis' letter to the Steering Committee, but a citizen had asked Council to review the matter.

Councilor Sherwood agreed she did not feel this was an issue. She understood how someone might not understand and have concerns. She appreciated the explanation.

At the request of Council, Mayor Dirksen stated he would make a statement for the official record during the Business Meeting under the Visitor's Agenda, to state Council had discussed this concern with Mr. Ramis and did not find any legal or ethical violation at this time, but recognized there was a possibility of a perception of a conflict of interest. The Council will take future action to consider possible conflict issues and providing a clearer directive regarding future potential conflicts of interest.



> LEAGUE OF OREGON CITIES PRESS RELEASE REGARDING QWEST

Craig Prosser, Finance Director, announced the US District Court, Ninth Court of Appeals, rendered its decision this morning regarding the case of Qwest Corporation vs. the City of Portland. Arguments were made last November. There are questions about the Tigard's franchise ordinance which are based on gross revenues. Portions of the decision were upheld while other issues were remanded back to the US District Court. Additional discussion will take place during the Executive Session.

> ADMINISTRATIVE ITEMS

a. Calendar Review

- October 14: City Hall Day 7:00 pm at Town Hall
- October 16: Make a Difference Day – 9 am to noon
- October 19: City Council Workshop Meeting – 6:30 pm
- October 26: City Council Business Meeting – 6:30 pm
- November 4-6: LOC Conference – Marriott Hotel downtown Portland
- November 9: City Council Business Meeting – 6:30 pm

- The Study Session was recessed at 6:53 p.m. to go into Executive Session.
- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss potential litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Study Session was reconvened at 7:04 p.m. after the Executive Session.

> RESPONSE TO JOHN FREWING REGARDING TIGARD/WASHINGTON COUNTY PLANNING ISSUES

Mr. Monahan noted Community Development Director Jim Hendryx had prepared a letter to Mr. Frewing in response to concerns raised during the Visitor's Agenda at the September 28, 2004 Council Meeting regarding several planning issues. A copy of the Intergovernmental Agreement with Washington County is attached to the letter which details both Washington County and Tigard's responsibility in the Metzger area which Mr. Frewing had

questioned. He will present comments during the Business Meeting under Visitor's Agenda concerning this response.

Study session recessed at 7:10 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the Council and Local Contract Review Board Meeting to order at 7:30 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson were present. Councilor Woodruff was excused.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports - None
- 1.5 Call to Council and Staff for Non-Agenda Items - None

2. VISITOR'S AGENDA

- Nikki Pham, Tigard High School Student Envoy, told the Council about various activities and information related to the high school. Ms. Pham distributed a handout (Agenda Item No. 2, Exhibit 1), which is on file in the City Recorder's office.
- Chamber Representative Dan Murphy updated the Council on Tigard Area Chamber of Commerce activities.
- Response to Alice Ellis Gaut's Comments and Letter made at the September 28, 2004 meeting.

Mayor Dirksen stated Alice Ellis Gaut had submitted a letter in which she raised concerns in reference to a letter written by City Attorney Tim Ramis on behalf of another client regarding Metro's Goal 5 Process and Goals. A copy of Mr. Ramis' letter had been given to the Councilors. The Council discussed this matter with Mr. Ramis during the Study Session and found no legal or ethical violation at this time, but recognized the possibility of a perception of conflict of interest, or a future conflict if the City becomes involved in litigation as a result of future Goal 5 legislation. Recognizing that the City Attorney may lack sufficient guidelines and official direction from the City Council, the City Council will take further action to consider possible conflict issues, with the intent to providing the City Attorney with a clearer directive regarding future potential conflicts of interest.

- Response to Comments made by John Frewing at the September 28, 2004 during the Visitor's Agenda.

Mr. Monahan stated Community Development Director Jim Hendryx's letter had been given to Mr. Frewing regarding the Tigard/Washington County intergovernmental agreement relating to planning issues in the Metzger area. A copy of the agreement was attached to the letter. (Agenda Item #2, Exhibit 2)

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, requested Council to support a resolution urging voters to vote "No" on the State Ballot Measure 37, "Governments Must Pay Owners, or Forego Enforcement, when Certain Land Use Restrictions Reduce Property Values." She pointed out the measure, if approved by the voters, would cause financial havoc on cities, counties and the State.
- Gretchen Buehner, 17249 SW 136<sup>th</sup> Place, Tigard, requested the City consider an ordinance to regulate abandoned vehicles and equipment from being abandoned mainly along Fanno Creek from residential, commercial, and industrial users, which cause pollution to the stream. She had checked with Christine Darnell, City Code Enforcement Officer, who indicated there was nothing in the City's code that regulates abandoned vehicles or equipment along the streambed.

Councilor Moore suggested the staff check existing City Code as well as regulations in place by other jurisdictions such as Clean Water Services. He thought the City Code regulated abandoned vehicles.

Mr. Monahan indicated he would ask Community Development Director Jim Hendryx to check into this.

- Phil Decker, 14540 SW 148<sup>th</sup> Place, Tigard, stated he recently purchased his home on Bull Mountain and just heard about the possible annexation of the area to Tigard as well as the process the City followed to put this measure on the November ballot. After a 15 minute search of the Oregon Revised Statutes, he found where the original single majority proposal of ORS 195 was not allowed to be used in the Portland Metropolitan area. This is something the City Manager, the City Attorney, staff and Council should have been aware of, and therefore he did not want to be part of a city whose officials were not aware of state laws and regulations.

Mayor Dirksen reviewed the process the City has followed for the past year or so, originally considering the ORS 195 process. He noted there is a conflict in the statutes regarding ORS 195 and ORS 222, and both the League of Oregon Cities

and the Association of Oregon Counties would be urging the Legislature to clarify the statutes during the upcoming legislative session.

- Holly Shumway, 14535 SW Woodhue, stated one of the frustrations she has with the proposed annexation is that if the annexation is approved, the residents of the Bull Mountain area would not be able to vote for Councilors for another two years.

Mr. Ramis explained the City Charter provides when elections are held.

Mr. Monahan noted the City Council cannot change the Charter. Either the Council or citizens through an initiative process could propose a change in the charter.

Mayor Dirksen recalled the Bull Mountain annexation was originally considered in December 2003 which would have placed this matter on the March 2004 ballot. If it had been placed on the March 2004 election and been approved, residents of the Bull Mountain area would have been able to run for Mayor and Council and vote on those candidates at this November's election. At the request of citizens, Council deferred placing the issue on the ballot in order to conduct the White Paper studies.

Ms. Shumway replied the additional information from the White Papers was needed, but residents of the area feel this process was being steamrolled on Bull Mountain residents by Tigard. Residents feel they are excluded from the decision-making process because of the timing of this measure.

3. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda items:

- 3.1 Approve Council Minutes for September 14, 2004

- 3.2 Receive and File

- a. Council Calendar

- b. Tentative Agenda

- 3.3 Resolution No. 04-70 – A RESOLUTION OF THE TIGARD CITY COUNCIL SUPPORTING APPLICATIONS FOR FEDERAL ASSISTANCE FOR CONSTRUCTING SIDEWALK AND RELATED IMPROVEMENTS ON VARIOUS STREETS WITHIN LOW-MODERATE INCOME AREAS OF THE CITY.

3.4 Resolution No. 04-71 – A RESOLUTION APPROVING BUDGET AMENDMENT #2 TO THE FY 2004-05 BUDGET TO ACCEPT AND EXPEND US DEPARTMENT OF JUSTICE GRANT FUNDS FOR THE "DARE TO BE GREAT" SUMMER CAMPS

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

4. DISCUSSION OF BULL MOUNTAIN RESOLUTIONS TO CONFIRM THE CITY COUNCIL'S COMMITMENTS THAT WOULD OCCUR UPON ANNEXATION

a. Staff Report

Mr. Monahan presented the staff report and explained Council, during the Bull Mountain Annexation process, had commented they were committed to identifying how city services would be provided to the Bull Mountain area upon annexation. The Ballot Measure is on the ballot on November 2. Recently the Council directed staff to prepare the seven resolutions to confirm to voters how some city services will be provided to the Bull Mountain area. The resolutions cover the following areas:

- Capital Improvement Projects and Funding;
- Comprehensive Planning;
- Identifying open spaces and park lands to serve the Bull Mountain area;
- Hiring additional police personnel and providing training in advance of the effective date of annexation;
- Commitment of Parks System Development Funds (SDC's) collected on Bull Mountain to serve the area;
- Phasing in of taxation;
- Recognizing the Bull Mountain area as a neighborhood with a unique identity in a revised city-wide neighborhood program.

Councilor Wilson requested Mayor Dirksen to review each resolution in more detail.

Mayor Dirksen reviewed the commitments made in each resolution should the annexation be approved. (Note the resolution number was added after all the resolutions were discussed.)

No.	Subject	Mayor Dirksen's Explanation
04-72	Reaffirmation of Phase-in of Taxes as stated in Ballot Measure	There will be a slight net decrease in taxes the first year with the elimination of the taxes for the Washington Enhanced Sheriff's District and the Road Maintenance District. The permanent City of Tigard tax rate is \$2.5131 per \$1,000 assessed value. Councilor Wilson noted utility taxes and SDC's were not included in the tax phase in.
04-73	Recognizing Bull Mountain areas as neighborhood with unique identity	Throughout the annexation hearings, Council received testimony that Bull Mountain area was a unique neighborhood. The City is looking at a future program of identifying unique neighborhoods throughout City.
04-74	Immediately hire and train eleven police officers beginning in January 2005	The hiring and training of police officers will take 12-15 weeks. Police officers would be able to begin serving the Bull Mountain area July 1 with the same Level 1 service level received by the rest of the city residents, which is four minutes of less.
04-75	Begin aggressive search of potential park land in January 2005	City recognizes the Bull Mountain area lacks park area. The search would be to find property for a third city anchor park in the Bull Mountain area.
04-76	Assume responsibility from Washington County for Comprehensive Planning of Bull Mountain Area	The City will begin its comprehensive plan review process in January 2005. If the Bull Mountain annexation is approved, that area would be incorporated at the beginning of the whole process. The Comprehensive Plan was last updated in 1984, and several modifications have been approved each year since then. If the Ballot Measure is approved, the area would not be legally within the city until July 1, 2005. Residents of the Bull Mountain area would be appointed to serve on all the citizen task forces relating to the comprehensive plan revision in addition to existing city residents.

04-77	Commit average of at least 30% of Capital Improvement Funds to projects in the Bull Mountain area for at least the next five years	While the Bull Mountain area is part of Washington County, capital improvements have not taken place in the area, particularly in the areas of streets and parks. The area is vastly underserved. If the Bull Mountain area is annexed, the population of the Bull Mountain area would represent between 15% and 17% of the City's population. The City is willing to double the amount of Capital Improvement Funds to 30% to be used on capital improvement projects in the Bull Mountain area for the next five years. After five years, projects would compete with other capital improvement projects in the rest of the city.
04-78	Allocate System Development Charges (SDC's) collected in Bull Mountain area to park and open space projects in the Bull Mountain area	City recognizes the need for parks in the Bull Mountain area. This would dedicate all Parks SDC's collected from development in the Bull Mountain area to parks and open space in the Bull Mountain area.

b. Council Discussion

Mayor Dirksen stated Councilor Woodruff is out of town and had sent a message asking to go on record that he had reviewed the proposed resolutions, which he supports, and asked if the record could indicate his "Aye" vote in order for the resolutions to pass by a unanimous vote. Mayor Dirksen noted that the record could not indicate Councilor Woodruff's "Aye" vote, because the councilor has to either be physically present or participating by telephone for votes to be recorded.

Councilor Wilson stated Council is committed to providing city services to the Bull Mountain area upon annexation. These resolutions states what will happen after annexation. Council took the initiative to bring these forward at this time.

Councilor Sherwood noted Council had stated during the annexation process they would come back with commitments to the citizens. These comments were not just a lot of hot air made at the time, but Councilors were now honoring the comments made in August.

Councilor Moore stated the Council had indicated its intention during the annexation hearings that it would come back sometime this fall with statements relating to service commitments to residents of the Bull Mountain area.

Mayor Dirksen stated he had proposed most of these resolutions to Council. He pointed out some people may question the timing of these resolutions, but these resolutions are a commitment made by Council during the annexation process. It would have been inappropriate to make these at the time the annexation measure was forwarded to the Ballot.

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-72 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF A THREE YEAR PHASE-IN OF TAXES FOR BULL MOUNTAIN RESIDENTS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Wilson, seconded by Councilor Sherwood, TO APPROVE RESOLUTION NO. 04-73 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF RECOGNIZING THE BULL MOUNTAIN AREA AS A NEIGHBORHOOD WITH A UNIQUE IDENTITY IN A REVISED NEIGHBORHOOD PROGRAM.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-74 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF THE IMMEDIATE HIRE OF ELEVEN POLICE OFFICERS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:



Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Wilson, seconded by Councilor Sherwood, TO APPROVE RESOLUTION NO. 04-75 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING A COMMITMENT TO AN AGGRESSIVE SEARCH OF POTENTIAL PARK LAND PURCHASES UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-76 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT TO ASSUME RESPONSIBILITY FROM WASHINGTON COUNTY FOR THE COMPREHENSIVE PLANNING OF THE BULL MOUNTAIN AREA UPON ANNEXATION OF THE BULL MOUNTAIN AREA AND INCLUDE THE BULL MOUNTAIN AREA IN THE CITY'S COMPREHENSIVE PLANNING PROCESS THAT WILL BE INITIATED IN JANUARY 2005.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Moore, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-77 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT OF AN AVERAGE OF AT LEAST 30% OF CAPITAL IMPROVEMENT FUNDS TO PROJECTS IN THE BULL MOUNTAIN AREA FOR FIVE YEARS UPON ANNEXATION OF THE BULL MOUNTAIN AREA.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Upon motion of Commissioner Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-78 - A RESOLUTION OF THE TIGARD CITY COUNCIL CONFIRMING THE COMMITMENT TO ALLOCATE PARK SYSTEMS DEVELOPMENT CHARGES COLLECTED AFTER ANNEXATION OF THE BULL MOUNTAIN AREA TO PARK AND OPEN SPACE LAND ACQUISITION ON BULL MOUNTAIN.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

## 5. DISTINGUISHED BUDGET AWARD

Mr. Prosser stated the Government Finance Officers Association sponsors a Distinguished Budget Presentation Award, which is intended to encourage jurisdictions to adhere to the highest principles in developing their governmental budgets. In order to qualify for the award, jurisdictions must satisfy nationally recognized guidelines for the presentation of budgetary information in 27 categories. His goal has been, and continues to be, to improve in all categories. The City received an "outstanding" rating in 15 of the 27 categories. His goal is to receive "outstanding" in even more categories. The city has received this award for 17 consecutive years.

Mr. Prosser recognized members of the Finance Department who work on this annual document, including Tom Imdieke, Michelle Wareing, Heather Block and Maureen Denny.

Mr. Prosser presented the Distinguished Budget Presentation Award to Mayor Dirksen.

## 6. LIBRARY OPERATIONS UPDATE

Margaret Barnes, Library Director, introduced Library Board members Jan Thenell and David Burke. She reviewed some statistics relating to hours of operation, number of cards issued and circulation since 2003.

Mr. Burke stated many of his friends and members of his family compliment him on the new library building as if he had personally built it. Concerned friends and family have expressed their concern about the current hours of operation however.

Ms. Thenell discussed the need for more resources in order to expand the operating hours. The Board has been working on a strategic plan this year for the library to be more involved in the community and to be a neighborhood player. One component is to get more involvement by members of the community, from parents of pre-school students, teenagers, seniors, job seekers, and many others.

Mayor Dirksen stated Council appreciates the concerns relating to funding and hours of operation. The Washington County Commissioners did not place the library levy on the ballot for November 2004, and WCCLS cut the supplements to cities when the last levy ended in June. The Board and Council did not have city funds to maintain the same number of hours as they had with the levy funds. He had noticed the Young Adult's Room at the new Library is used by teens to do homework and just hang out.

Ms. Barnes noted there has been a large increase of people coming to the new library since the new library opened in August. With the allocation of some funds from the Hotten bequest, the hours were increased to 54 hours a week for the 12-week period beginning with the opening of the Library to the first of November. The staff and board are working on a five-year strategic plan for the library and invite comments and suggestions from patrons. They are trying to find creative ways to meet this public need.

Mr. Monahan reviewed the background of the past two library levies the Washington County Commissioners put on the ballot last year. Curtis Tigard gave permission for the City to use part of the money from the bequest his sister, Grace Tigard Hotten, gave to the City to keep the library open longer hours after the Library opened in August.

Ms. Thenell stated the Library is probably the busiest place in the City, receiving a high volume of traffic.

## 7. TUALATIN RIVER TRAIL EASEMENT & PEDESTRIAN BRIDGE UPDATE

### a. Staff Report:

Duane Roberts, Associate Planner in Community Development, pointed out the location of the Tualatin River Trail Easement on an aerial photo. He noted

the environmental buffer area has increased from 25 feet to 125 feet over a period of several years. There is an existing easement from Clean Water Services for the trail easement, but in order to construct the trail, the old easement will have to be released and a new easement given. Mr. Roberts then reviewed PowerPoint slides to show some of the existing path/trail area.

Dan Plaza, Parks Manager, provided an update on the status of the Pedestrian Bridge. This will be the first pedestrian-only bridge over the Tualatin River. The City of Tualatin took the lead on this project with Justin Patterson of Tualatin being the lead person. Mr. Patterson has worked with David Evans and Associates who is the consultant on the bridge design. The construction estimate was short by \$220,000, and Mr. Patterson then worked with the State Department of Transportation to secure approval of additional funding. The project requires a local match, to be split between the Cities of Tigard, Tualatin and Durham. Mr. Plaza distributed a handout entitled "Matching Funds Distribution," (Agenda Item 7, Exhibit 1) which shows that Tigard's contribution will be \$250,125, Tualatin's contribution of \$160,000, and Durham's contribution of \$10,000. Tualatin's share is smaller because their staff has done so much of the work on this. The source of Tigard's share will come from the County MSTIP (\$192,597) and Parks SDC's (\$57,528).

Mr. Roberts stated the action staff is recommending at this time only is to authorize the City Manager to execute the Release of the Easement. Later there will be a formal agreement on costs and Clean Water Services will execute a new easement.

b. Council Discussion

Councilor Wilson asked if the trail had been physically staked on the ground in order to take trees and topography into account.

Mr. Roberts responded that it had, and the wiggles on the drawings show the location of trees and topography constraints.

Upon motion of Councilor Moore, seconded by Councilor Sherwood, TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE RELEASE OF EASEMENT REGARDING THE TUALATIN RIVER TRAIL EASEMENT.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

## 8. CONTIGUOUS ANNEXATION

### a. Staff Report

Jim Hendryx, Community Development Director, stated this item is a follow-up to Council's discussion at its September 21 work session. He then reviewed the four points Council had directed which would memorialize their decision as follows:

- Tigard will continue to process requests to annex properties that are contiguous to the City limits.
- The double majority method will not be used to bring in additional properties as part of these annexations, even if doing so creates a more uniform boundary.
- Where properties adjacent to those requesting annexation have previously signed consents to annex, those consents will be processed concurrently. If consents to annex are submitted after the property becomes contiguous to the City limits, annexation will be processed immediately.
- Tigard will not proceed with island annexations on a case-by-case basis unless further directed by Council. (NOTE: See below for revised language.)

### b. Council Discussion

The Council discussed the various points. Council concurred to make the following change to the last point:

- Tigard will [not] only proceed with island annexations on a case-by-case basis unless further directed by Council.

Mr. Hendryx explained the City is not able to approve any annexation requests for 60 days prior to or 1 day after an election. There are annexations scheduled before Council on December 9, well after the November election.

The Council **CONCURRED** with the direction as outlined and with the change to the fourth point. No formal action was required.

9. CONSIDERATION OF A POLICY TO ESTABLISH A RESIDENTIAL SERVICE AGENCY EMERGENCY FUND

a. Staff Report

Liz Newton, Assistant to the City Manager, presented the staff report and indicated this was a follow-up to the Council's August 17 workshop meeting regarding the establishment of a policy regarding the proposed Residential Services Agency Emergency Fund. The policy provides the fund not exceed 5% of the total allocated for social service grants, with funds to be used for emergencies only. If Council approves the policy, there will need to be a budget amendment to appropriate the funds for this fiscal year, and any unused funds will be returned to the general fund at the end of the year and not carried over to the next year.

b. Council Discussion

Councilor Sherwood noted she concurs with the proposed policy to allocate emergency funds.

Councilor Moore asked where the amount is stated in the resolution. Ms. Newton replied it is on the last line of item 1 of the proposed policy.

Mayor Dirksen agreed this has been rarely used in the past, but the funds would be available for a true emergency under the guidelines of the policy.

c. Upon motion of Councilor Sherwood, seconded by Councilor Wilson, TO APPROVE RESOLUTION NO. 04-79 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING A POLICY TO ESTABLISH A RESIDENTIAL SERVICES AGENCY EMERGENCY FUND.

The motion was approved by a unanimous vote:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

10. COUNCIL LIAISON REPORTS - None

11. NON AGENDA ITEMS - None

12. ADJOURNMENT – Mayor Dirksen adjourned the meeting at 9:07 p.m.

  
Jane McGarvin, Deputy City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

AGENDA ITEM # 3.29  
FOR AGENDA OF 10/26/04

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Quarter 3 Council Goal Update

PREPARED BY: Joanne Bengtson

DEPT HEAD OK [Signature]

CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Report progress on the Council's 2004 goals to date.

STAFF RECOMMENDATION

Receive and file the attached summary report on the 2004 Goals.

INFORMATION SUMMARY

Attached are brief summaries of the efforts to date on the stated Council goals for this year.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning goals are identified throughout the goals and tasks developed by the City Council.

FISCAL NOTES

N/A



## Council Goals for 2004

### GOAL 1 – FINANCIAL STRATEGY

- A. Develop and implement a sustainable long-term financial strategy for issues such as:
1. General Fund needs
  2. Library
  3. Transportation
  4. Parks and open space
  5. Washington Square regional center
  6. Central Business District
  7. Water system
  8. Extension of urban services through annexation

#### **Third Quarter Update:**

*The third quarter of calendar year 2004 Financial Strategy issues worked on during this period include:*

- *Prepared and presented several special analyses related to the possible annexation of Bull Mountain.*
- *Continued participation of the Joint Audit of Qwest and Verizon franchise fees.*
- *Continued an audit of NW Natural franchise fees in cooperation with Salem, Portland, and several other cities. The audit is expected to be concluded in October or November.*
- *Council approved a new franchise with NW Natural that includes an increase in the franchise fee rate from 3% to 5%. NW Natural has adjusted customer billings to reflect the 2% increase.*
- *The Parks SDC study has produced a draft report. The public review process has begun.*
- *Began work on the FY 2005-10 Financial Forecast.*
- *Conducted a quarterly meeting of the Budget Committee, which among other topics, reviewed potential financial impacts on Tigard from two statewide ballot measures.*

#### **Second Quarter Update:**

The second quarter of calendar year 2004 has been very active for the City in financial matters. Issues worked on during this period include:

- Developed and adopted the FY 2004-05 Budget,
- Finalized the Five Year Financial Forecast based on that budget,
- Updated City fees and charges,
- Reviewed the Privilege Tax with the Budget Committee as a possible new revenue source,
- Prepared several special analyses related to the possible annexation of Bull Mountain,
- Continued participation of the Joint Audit of Qwest and Verizon franchise fees – after two years of negotiations with Verizon, the cities' auditor was finally allowed on site to review Verizon's books, and Verizon has committed to complete this audit before the end of the calendar year,
- Initiated an audit of NW Natural franchise fees in cooperation with Salem and Portland – several other cities are now joining this effort,
- Concluded negotiation of a new franchise with NW Natural that includes an increase in the franchise fee rate from 3% to 5%,
- Initiated a study to update the City's Parks SDC,
- Developed several financial analyses in support of the City's negotiations of the contractual reimbursement from Clean Water Services in exchange for maintaining part of CWS's service area,
- Implemented the City's new Street Maintenance Fee and began collections,
- Called the 1993 Bancroft Bonds early, saving the City \$8,000 in interest costs

### First Quarter Update:

**Goal 1** Departments have been putting together budget requests and the City Manager has been developing his Proposed Budget in response to Council direction to budget conservatively. The Budget will be constructed to push the need to go to voters for a local option levy out as far as possible.

Staff briefed Council in a workshop session on the drivers in the financial forecast to help answer the question why declining General Fund balances are projected. Understanding the drivers will help to develop appropriate responses.

Staff has continued to support the discussion of the Bull Mountain annexation by developing special analyses as needed and responding to citizen inquiries.

### GOAL 2 – TIGARD CENTRAL BUSINESS DISTRICT

- A. Support the activities of the Downtown Task Force as it defines a vision for redevelopment.
- B. Select a consultant to carry out the Transportation Growth Management (TGM) grant to create a redevelopment plan based upon the recommendations of the Task Force and Council.
- C. Choose a financing mechanism, such as tax increment financing, for carrying out the redevelopment plan or vision.
- D. Broaden the Task Force to include citywide representation.

### Third Quarter Update

#A.

- *The Task Force is preparing for extensive community outreach through the Community Dialogs, being held from late September through October. The Task Force is holding small group discussions (12-15 people) to have the community help develop the Tigard Downtown Improvement Plan. It is important that the entire community be involved – this is the **community's** plan.*
- *B&B Print Source donated printing and paper for 2500 brochures to publicize the process.*
- *Task Force has also been meeting with TriMet to influence the Commuter Rail station design and implement the station design recommendations in the Task Force's Station Design Recommendations report from March 2003.*

#B. *Parametrix was selected. The City signed the IGA with ODOT. The plan process began in August, and will be completed June 30.*

#C. *Not yet applicable. Financing mechanisms will be addressed in the Tigard Downtown Improvement Plan; the Task Force hasn't reached that part of the work program.*

#D. *Completed in June (24 members with a Youth Advisory Council Representative).*

### Second Quarter Update

- Goal 2A: Council appointed an additional 12 members to the Downtown Task Force. Parametrix was selected in June as the consultant for the Downtown redevelopment program.
- Goal 2B: The IGA between ODOT and the City needs to be adopted by the Council to proceed with the plan and work program.
- Goal 2C: Not yet applicable. Financing mechanisms will be addressed in the redevelopment plan.
- Goal 2D: The Council also passed a resolution on March 9 that expanded the Task Force to reflect Tigard's broad constituency and Downtown stakeholders. The recruitment has been completed and the Task Force consists of 24 members.

### First Quarter Update

**Goal 2A** Council passed a resolution on 3/9/04 that acknowledges the efforts of the Task Force and commends its members for completing the work program. The resolution also directs that all current Task Force members be invited to continue serving on an expanded Downtown Task Force.

**Goal 2B** Staff is working with ODOT to finalize the project's scope of work. Once ODOT finalizes its review, an Intergovernmental Agreement (IGA) and Request for Proposals (RFP) seeking consultants will be completed. This groundwork will take place in the next quarter, culminating in a consultant's selection.

**Goal 2C** Not yet applicable. Financing mechanisms will be addressed in the redevelopment plan.

**Goal 2D** The Council also passed a second resolution on March 9 that expanded the Task Force to reflect Tigard's broad constituency and Downtown stakeholders. The recruitment process is now under way.

### **GOAL 3 – TRANSPORTATION**

- A. Aggressively pursue solutions to congestion of state, county and city facilities that cross through Tigard.
  - 1. Reforming the Transportation Financing Task Force.
    - a. Explore outside funding sources
    - b. To recommend to the City Council expansion of the task force functions
  - 2. Identify project priorities and funding needs for state and city facilities.
    - a. Prioritize all project needs – city, county and state facilities in Tigard
    - b. For priority facilities which are controlled by another entity,
      - 1. Discuss the project with the entity which has jurisdiction over the facility; and
      - 2. Negotiate a funding solution which could include partial city funding; and
      - 3. Offer to improve a related city transportation problem in exchange for the other entity completing a needed transportation facility; and
      - 4. Offer to accept jurisdiction for the improved facility upon project completion.
- B. Continue working with Tri-Met to carry out the Memorandum of Understanding and identify and fund additional improvements with an emphasis on intra-city bus routes.
- C. Council shall meet with ODOT representatives at least once in 2004 to discuss state road facilities in Tigard and the related funding needs and priorities.

#### **Third Quarter Update (From Community Development)**

*#B. The City applied for a number of transit-oriented sidewalk in-fill grants during the period. The streets involved include 69<sup>th</sup>, 71<sup>st</sup>, Hall, Center, Garrett, and Frewing. The proposed projects will improve access to bus stops and help create a safer and more transit-friendly community. The City and TriMet completed a fourth outreach or listening post meeting regarding service and facility improvement needs. Approximately fifteen Chamber of Commerce business committee members participated in the meeting. Based on the comments received during the four outreach meetings conducted so far, TriMet is considering rerouting line 38 to provide seven hours of service along the presently unserved Bonita Road. It also is studying the feasibility of rerouting lines 62 or 92 to serve Barrows Road. Additional follow-up includes contacting two churches along HWY 99W regarding the use of their parking lots for bus rider parking. TriMet and the City together are looking at bus shelter needs within the City. At present, four bus stops in Tigard that meet the shelter installation boardings per day thresholds (35 per day) are without bus shelters.*

#### **Third Quarter Update (From Engineering)**

**Goal 3A -** *The City applied for Federal funding through the MTIP (Metropolitan Transportation Improvement Program) process for four projects within the Tigard area. One project is for the construction of Greenburg Road improvements between Shady Lane and Tiedeman Avenue. MTIP funding has been authorized for design and rights-of-way acquisition for the Greenburg Road project. Construction of the improvements to widen Greenburg Road to 5 lanes would address the current and future traffic volumes on that street. Another project is for construction of a new street along the Ash Street corridor to provide secondary access to the planned commuter rail park-and-ride lot. This new street is intended to eventually become part of the Walnut Street Extension, which would extend Walnut Street east of Highway 99W then north along Ash Street to connect to Hunziker Street.*

**Goal 3A1** *The Transportation Financing Strategies Task Force was reconstituted by Resolution No. 04-52 at the Council meeting on July 13, 2004. At that same meeting, Resolution No. 04-51 was approved commending the original Task Force members and completing the Task Force mission for the original task force. The reconstituted Task Force will explore potential funding sources for major street improvements.*

**Goal 3B** *The City staff continues to work with TriMet on the commuter rail project. In addition, the Downtown Improvement Plan is in the initial stages. The \$75,000 included in the Capital Improvement Program for FY 2004-05 may be used to construct transportation-related improvements that may enhance the commuter rail project and possibly other improvements that may be recommended by the Downtown Improvement Plan.*

#### Second Quarter Update

(from Community Development)

**Goal 3B:** A joint City-TriMet roundtable was held with social service and housing providers in April. The participating agencies included Community Partners for Affordable Housing, the Good Neighbor Shelter, the Senior Center and eight other Tigard-based organizations. The meeting focused on how the respective agencies' clients use transit and on transit access and coverage improvement needs. In May, TriMet made a presentation to the Downtown Task Force. In June, TriMet presented the program to the Planning Commission.

#### Second Quarter Update

(from Engineering)

**Goal 3A1** The reconstitution of the Transportation Financing Strategies Task Force is scheduled for the Council meeting on July 13, 2004. At that same meeting, a resolution commending the original Task Force members is scheduled for Council consideration and action. The Oregon Grocery Association will be represented in the reconstituted Task Force. Invitations were issued to the Tigard Chamber of Commerce and Washington Square management to provide representation on the Task Force. There has been no response from the Chamber and Jack Reardon of Washington Square said he could not serve, but would ask for a representative from the Westside Economic Alliance. If representatives from those groups are submitted, they could be added by amending the resolution to add those members. Once the Task Force is reconstituted, the initial meeting can be set, possibly in late July or early August 2004.

**Goal 3A2a** A list of high priority projects regardless of jurisdiction was developed and presented for Council review and discussion at the workshop meeting on February 17, 2004. This list included high priority intersection projects along Highway 99W to move east-west traffic more effectively. A project to widen McDonald Street at the Highway 99W intersection to provide a dedicated right-turn lane and to extend the stacking on the left-turn lane from McDonald Street to Highway 99W is included in the Capital Improvement Program for FY 2004-05. This project should improve east-west traffic movement while allowing motorists to access Highway 99W more readily.

**Goal 3B** The amount of \$75,000 was included in the Capital Improvement Program for FY 2004-05 to allow for joint projects to be undertaken by the City and TriMet to provide pedestrian connections

between transit amenities such as bus stops and key activity centers. Some of these funds could be used for improvements in downtown Tigard in conjunction with TriMet's Commuter Rail Project. The funding could also be used to extend existing sidewalks at key locations in the City to provide a safe path to school for children.

**Goal 3C** A new representative to the Oregon Transportation Commission from this area will be appointed this summer. This new representative will be requested to meet with Council at a workshop meeting in the fall to discuss Tigard's transportation project needs.

### **First Quarter Update**

(Update from Engineering Department)

**Goal 3A1** The Transportation Financing Strategies Task Force is in the process of being reconstituted to evaluate potential sources of revenue for street improvement projects. Because participation from the business community has been lacking on this Task Force, the Tigard Chamber of Commerce and Jack Reardon of Washington Square have been requested to provide representatives to serve on the Task Force. Jack Reardon indicated that he was already fully booked, but would request the Westside Economic Alliance to provide someone from the business community. The Chamber has not yet responded. The Task Force membership should be finalized in early May.

**Goal 3A2a** A list of high priority projects regardless of jurisdiction was developed and presented for Council review and discussion at the workshop meeting on February 17, 2004. This list included high priority intersection projects along Highway 99W to move east-west traffic more effectively.

**Goal 3B** The Engineering Department continued working with TriMet to carry out the provisions of the Memorandum of Understanding. An amount of \$75,000 was included in the Capital Improvement Program for FY 2004-05 to allow for joint projects to be undertaken by the City and TriMet to provide pedestrian connections between transit amenities such as bus stops and key activity centers. The funding could also be used to extend existing sidewalks at key locations in the City to provide a safe path to school for children.

**Goal 3C** Matt Garrett, the Region 1 Manager from Oregon Department of Transportation (ODOT), met with City Council at its workshop meeting on March 16, 2004. This is the first step in establishing a dialogue with ODOT that could eventually lead to implementation of high priority projects. ODOT had been provided earlier with the list of high priority projects, most of which involved Highway 99W intersections with City streets. Mr. Garrett emphasized that strong support from the business community is important when it comes time to select projects for implementation. This message was passed on to the Tigard Chamber of Commerce by both Council and the City Manager.

(Update from Community Development Department)

**Goal 3B** A joint City-TriMet roundtable meeting with local social service and housing providers is set for April 7<sup>th</sup>. The participating agencies include Community Partners for Affordable Housing, the Good Neighbor Shelter, the Senior Center and eight other Tigard-based organizations. The meeting will focus on how the respective agencies' clients use transit and on transit access and coverage improvement needs. Similar outreach meetings with the Downtown Task Force and Planning Commission are set for May and June, respectively.

### **GOAL 4 – PARKS AND RECREATION**

A. Meet with the Park and Recreation Advisory Committee to:

1. Discuss the vision of the Task Force and the Council related to the City need for parks and recreation.
2. Discuss possible acquisition needs and financing for the City of Tigard as well as unincorporated Bull Mountain.
3. Discuss options and interest in creating a park and recreation district.

B. Continue to participate in discussions with the Tigard-Tualatin School District and neighboring cities to consider the school district's funding needs.

C. Meet with the Skate Park Committee and formulate a plan of action.

D. Continue to support the efforts of the Youth Forum.

### **Third Quarter Update** **(Update from Public Works Department)**

**Goal 4A1** A community parks and recreation assessment survey was conducted in August, and the Executive Summary Report was presented to Council and the Park and Recreation Advisory Board (PRAB) on September 21, 2004. Three hundred and eight-three (383) people were surveyed. The Council directed the PRAB to use the Executive Summary Report to begin a process which will lead to a recommendation to City Council on what actions should be considered on behalf of parks and recreation services in the city of Tigard. The PRAB was also asked to develop and hold several community meetings to gather additional public input and gauge public support of the final recommendation.

**Goal 4A2** The Bull Mountain Park and Open Space Task Force created a Bull Mountain Parks Concept Plan which sets forth land acquisition and park development projects for the Bull Mountain area. It was presented to Council on June 22. Council accepted the "white paper". If the results of the annexation favor annexation then an update of the Park System Master Plan will be initiated and the results will be encompassed in the proposed updated SDC Methodology scheduled for Council consideration and approval in Nov/Dec 2004, and effective January 1, 2005.

**Goal 4A3** The survey revealed that the residents of Tigard opposed (53%) the creation of a separate taxing district to provide park and recreation services. The survey also concluded that well over half (57%) favored the creation of a Recreation Division operated by the City.

**Goal 4B** There is nothing to report on this at this time.

**Goal 4C** The Task Force continues meeting and pursuing their fundraising efforts. The Balloon Festival donated approximately \$1,600 to the Skate Park Task Force. Skating demonstrations are tentatively scheduled for September 18 at the Tigard Blast. A portion of the city parking lot has been roped off to help determine what the impact on parking would be if a 15,000 square foot skate park was built City Hall. This test will be conducted again in December when the City Hall remodeling is completed. City staff has met with skate park members and a skate park building contractor to discuss the current design and the ability to "tweak" the design if necessary. A general skate park update is presently scheduled for the Council workshop on December 21, 2004.

### **Third Quarter Update** **(Update from City Administration)**

**Goal 4D** The Youth Forum made progress during the past quarter to formalize the organization of a community coalition to support youth programs and activities. The bylaws of the 501(c)3 organization are being reviewed with the intent to reprise that inactive organization to serve the coordination role for the community's effort to support youth.



## **Second Quarter Update**

(Update from Public Works Department)

**Goal 4A1** A community parks and recreation assessment survey has been recommended to Council for consideration on July 20. If Council approves the survey interviews will begin in either late July or August. The executive summary, setting forth the findings has been scheduled for September 21.

**Goal 4A2** The Bull Mountain Park and Open Space Task Force created a Bull Mountain Parks Concept Plan which sets forth land acquisition and park development projects for the Bull Mountain area. It was presented to Council on June 22. Council accepted the "white paper".

**Goal 4A3** This question will be addressed in the upcoming community parks and recreation assessment survey and reported in a future goal report.

**Goal 4B** There is nothing to report on this at this time.

**Goal 4C** The Task Force continues meeting on, and pursuing their fundraising efforts. The Task Force had a booth at the Balloon Festival. They also conducted skateboarding demonstrations at the Festival. The wood floor they skated on was donated by Dave Nicoli. Dave intends to make a sizeable donation to the skate park if festival revenues permit it.

## **Goal 4D**

(Update from Administration)

During the second quarter, the Youth Forum members focused on supporting building a Community Coalition of Youth Service Providers in the community to formalize a partnership that will qualify for grant funds to support youth programs and activities.

## **First Quarter Update**

(Update from Public Works Department)

**Goal 4A1** The first joint meeting between the City Council and the Park and Recreation Advisory Board was held on March 9, 2004.

On April 22, 2003, the Tigard City Council re-established the Tigard Park and Recreation Advisory Board. Within three months, seven Tigard residents were appointed by the Council to serve on the Board. They are Shelley Richards, Jason Ashley, David Baumgarten, Scott Bernhard, Michael Freudenthal, Darrin Marks and Carl Switzer. Two Ex-Officio members have been appointed, Barry Albertson, to represent the Tigard-Tualatin School District, and Eileen Webb, to represent the Tigard Planning Commission. Since being formed, the Advisory Board has toured many of Tigard's parks and facilities. They have heard presentations about the City's park budget, Parks Capital Improvement Plan, and the general City of Tigard visioning process as it applies to Parks and Recreation. Additionally, they have reviewed Master Plans for Cook Park, Bonita Park, Summerlake Park, Skate Park, and Fanno Creek Park. They have also been briefed on the efforts of Rich Carlson's effort, along with many others, toward creating a Tigard Skate Park for our city's youth. The Board has adopted goals and a mission statement which reads "*The Purpose of the Park and Recreation Advisory Board is to advocate for park and recreation opportunities for a growing Tigard.*" They have also created an e-mail address, [parkrecboard@ci.tigard.or.us](mailto:parkrecboard@ci.tigard.or.us), and the Board now has a webpage on the City's website.

Issues discussed at the first joint meeting were:

- a) what has the Board learned,
- b) Board goals,
- c) Board interest in conducting a community assessment survey aimed at community interest in parks and recreation programs – this project is well on its way, Council was updated on 4/12),
- d) Council Goal #4,
- e) vision of the Board and Council related to the city's need for recreation (COT Recreation Div/Dep't)-survey related,
- f) possible park land acquisition needs and financing for the City of Tigard as well as unincorporated Bull Mountain – significant work has been done on this with the Bull Mountain Parks and Open Space Task Force-a "White Paper" will be submitted soon,

- g) skate park-survey related, and
- h) options and interest in creating a park and recreation district-survey related.

**Goal 4A2** The Bull Mountain Park and Open Space Task Force has created a Bull Mountain Parks Concept Plan which sets for land acquisition and park development projects for the Bull Mountain area. Although the plan has not been finalized, it has identified projects totaling between \$8M – \$10M. This plan will be an integral part of the “White Paper”. The current Parks System Master Plan will be updated once the Bull Mountain Parks Concept Plan is approved by the Task Force, Park and Recreation Advisory Board and the City Council. Basically, the Bull Mountain plan will become a part of the City’s Parks System Master Plan.

**Goal 4A3** This question will be addressed in the upcoming community parks and recreation assessment survey.

**Goal 4B** There is nothing to report on this at this time.

**Goal 4C** On February 10, the Council met with the Skate Park Task Force in a joint meeting. The results of that meeting led to the Task Force, along with city staff and elected officials, meeting again on February 25 at a general meeting aimed at creating a fund raising structure. Several funding sources were identified, such as: various youth and adult fund raising activities, public and private grants, in-kind donations of materials and labor, etc. The Task Force leadership formed the following four new fund raising committees to begin fund raising efforts to raise the needed money. These committees are now meeting, some more than others, to organize the fund raising campaign. The committees are:

- Communication Committee
- Youth Fund Raising Activities Committee
- Adult Fund Raising Activities Committee
- "Grants" Fund Raising Committee

**Goal 4D** During the first quarter, the Youth Forum focused on supporting the Police Activity League’s (PAL) efforts to build a Tigard chapter and provide extended after school programs at Fowler and Twality Middle Schools.

## **GOAL 5 – GROWTH MANAGEMENT**

- A. Continue Bull Mountain annexation information preparation leading to a July 2004 Council action on the Annexation Plan.
- B. Form subcommittees and review their completed White Papers.
- C. Designate a subcommittee which will review the Planned Development section of the Community Development Code, led by the Planning Commission.
- D. Develop a framework/timetable for a Comprehensive Plan update.
- E. Negotiate with Washington County staff to determine who will prepare the plan and zoning for the UGB Areas 63 and 64, and identify the source of funding for the plan.

### ***Third Quarter Update:***

***#A. City Council conducted public hearings on the Bull Mountain Annexation Plan in July and August. Council accepted the Annexation Plan as an advisory document to guide annexation. In August, Council moved to place the issue of annexing Unincorporated Bull Mountain separately before the voters of the City and territory under consideration for annexation. A majority of voters in both the City and the unincorporated territory will need to support the measure in order for annexation to occur.***

***#B. Bull Mountain subcommittees developed White Papers for Parks, Streets, Planning, and Police. The subcommittees presented their findings, conclusions, and recommendations to Council in June. Council accepted the White Papers. The White Papers will be used in determining the delivery of services for Bull Mountain should annexation occur.***



*#C. Council appointed a Planned Development Committee to evaluate planned development provisions of the Community Development Code. The committee continues to meet and is developing a series of recommendations to improve Tigard's planned development process.*  
*#D. The Planning Commission continues to meet on developing an approach to updating the Comprehensive Plan. Their recommendations will be presented to Council before the end of the year.*  
*#E. As directed by Council, staff is awaiting the outcome of the Bull Mountain Annexation vote before proceeding further with this effort.*

#### **Second Quarter Update**

- Goal B: Bull Mountain subcommittees were appointed and developed White Papers for Parks, Streets, Planning, and Police.
- Goal C: Planned Development committee members have been interviewed by Council and appointed. Their first meeting was April 14, 2004. The committee is continuing to work on PD programs.
- Goal D: The Planning Commission continues to work on a Comprehensive Plan update program. The objective is to finalize the Planning Commission recommendations by September for Council review and action in the fall.
- Goal E: Staff is collecting preliminary information related to the scope of concept plans for the UGB expansion areas.

#### **First Quarter Update**

- Goal 5B** Bull Mountain subcommittees were appointed and are meeting to develop a program/scope for four areas of analysis: Parks, Streets, Planning, and Police.
- Goal 5C** Planned Development committee members have been interviewed by Council and appointed. Their first meeting is scheduled for April 14<sup>th</sup>.
- Goal 5D** The Planning Commission continues to work on a Comprehensive Plan update program. The objective is to finalize the Planning Commission recommendations by June for Council review and action in summer.
- Goal 5E** Staff is collecting preliminary information related to the scope of concept plans for the UGB expansion areas.

#### **GOAL 6 – COMMUNICATION**

- A. Increase Tigard's communication with other local officials and elected bodies through active participation of City Council members and staff.
- B. Improve and expand communication with citizens, particularly communicating successes and future concerns.
- C. Support the Tigard Beyond Tomorrow goal to maximize citizen involvement opportunities through educational programs by implementing a citizen leadership series.
- D. Investigate the possibility of supporting the mission of the Tigard Youth Advisory Council "to empower, improve and connect the lives of Tigard's youth" by adding a youth representative to all City boards and committees.
- E. Investigate the possibility of supporting the Tigard Beyond Tomorrow strategy to "encourage public participation through accessibility and education with an annual citizens' fair for community events and businesses."

#### **Third Quarter Update:**

**Goal 6A** During the third quarter, City Council and/or staff continued to participate with regional partners at the CDBG Advisory Board, WCCLS, CLAB, the IWB, MPAC, the Regional Water Consortium, the Senior Center Board, the Tigard Chamber of Commerce, the Tualatin Basin Natural Resource Coordinating Committee and the Westside Economic Alliance. The Council also met with members of the Park and Recreation Advisory Board, the Planned

*Development and Budget Committees, and the New Library Resource Team. The New Library Resource Team was acknowledged by the Council for their achievements in assisting with the construction and opening of the new library and the committee was disbanded.*

**Goal 6B**      **Focus on Tigard** – Over the last 3 months, Focus topics included the Bull Mountain Annexation Plan, Water Conservation & Supply and Traffic Safety.

**Committee for Citizen Involvement (CCI)** – Meetings were held in July and September. In July, the CCI discussed enhancing the City's community involvement program and the Goal 5 Outreach program. In September, the Development Proposal Neighborhood meeting process, ideas for enhancing the community involvement program, and the membership of the CCI were discussed.

**Goal 6C**      No progress was made in this area during the third quarter.

**Goal 6D**      Youth Advisory Council representatives are now serving on the Downtown Task Force and the Park and Recreation Board.

**Goal 6E**      City staff participated in the Tigard Blast. The Public Works department and the Youth Advisory Council and Skate Park Task Force participated in the parade, the Public Works Department showcased some equipment and the Engineering Department had a display of Capital Improvement Projects.

## **Second Quarter Update**

**Goal 6A**      During the second quarter, City Council and/or staff met with regional partners at CDBD Advisory Board, WCCLS, CLAB, the IWB, MPAC, the Regional Water Consortium, the Senior Center Board, the Tigard Chamber of Commerce Board, WCCCA, WCCC, the Tualatin Basin Natural Resource Coordinating Committee and the Westside Economic Alliance. The Council met with the Tualatin City Council and the Tigard-Tualatin School District on April 5. In addition, representatives of the Regional Economic Development Partners made a presentation to City Council on April 20. Metro Executive, David Bragdon, met with the Council on May 18.

**Goal 6B**      Improvement and expansion to communications efforts included the following:

- Focus on Tigard - Over the last 3 months, Focus topics included the Downtown Plan, Budget 101 and Bull Mountain Annexation Plan
- Website – During the last quarter, staff posted a Downtown Survey and the Tigard Beyond Tomorrow Vision Survey. Staff is able to generate customized reports from the survey data that is posted on-line and into the system from paper surveys that have been submitted
- Committee for Citizen Involvement (CCI) – In May, staff recommended the CCI, made up of City of Tigard facilitators to begin regular discussions about ongoing citizen involvement efforts and ways to expand communications with citizens.

**Goal 6C**      Staff has collected course outlines and materials for leadership series conducted in Beaverton and Lake Oswego. The next step is to finalize the schedule and topics for Tigard's citizen leadership series.

**Goal 6D**      The Planning Commission, Downtown Task Force and Park Board have requested youth representatives.

**Goal 6E**      Staff is working with the Tigard Blast Committee to combine the Citizens Fair with the Blast scheduled for Saturday, September 18. Coordinator meetings are scheduled for the week of July 12.

## **First Quarter Update**

**Goal 6A**      During the first quarter of 2004, City Council members and/or staff met with Community Development Block Grant Advisory Board, Washington County Cooperative Library Services, Cooperative Library Advisory Board, Intergovernmental Water Board, Metro Policy Advisory Committee,

Regional Water Consortium, Senior Center Board, Tigard Chamber of Commerce Board, Washington County Consolidated Communications Commission, Washington County Coordinating Committee, Tigard Festival of Balloons Planning Committee, Tualatin Basin Natural Resource Coordinating Committee, and the Westside Economic Alliance.

**Goal 6B** Improvement and expansion to communication efforts included the following:

Focus on Tigard – Focus on Tigard continues to be a valuable tool to inform citizens about upcoming events, programs and projects, and educate citizens about current programs.

Over the last six months, Focus topics have included the Capital Improvement Program, Bull Mountain annexation, water, the street maintenance fee, community events, and the volunteer program.

Beginning with the April program, the format was changed so the focus topic is presented first with announcements closing the program.

Communication Plan – As part of the budget process, staff included a brief listing of their proposed communication plan for each major program or project. Including this information in the budget shows the Budget Committee, Council, and citizens how information will be disseminated on all major city programs and projects and serves as a reminder for staff on the variety of communication tools available.

There continues to be an emphasis on developing communication plans when projects and programs are initiated to ensure a proactive approach to communication and information sharing.

Web Site – Staff continues to add new features to the web page. Park reservations are now available online through the city's web page. In the last six months, visits to the city's web site have increased from 34,859 to 39,888 per month.

Cable Television – The Network Services Division has implemented an in-house civic studio training program. City staff members are currently being trained by Chris Myers, the city's Network Services Technician who is also trained as a Producer/Director/Camera Operator. One staff person has completed the training.

The goal of the training program is to expand the city's cable program production capacity and maximize the use of the civic studio.

**Goal 6C** A preliminary schedule has been developed for a citizen leadership series to start in October. Topics will include government finance, land use, transportation, and citizen involvement. Staff and guest speakers will present the material to the participants. It is expected that the program will be limited to 25 participants.

**Goal 6D** The City Council has appointed Lindsey Boyce, President of the Tigard Youth Advisory Council, as an ex officio member of the Council. Lindsey reviews the Council meeting material, asks questions and enters the discussion, but does not vote.

**Goal 6E** A tentative date, Saturday, September 25, has been set for the Citizens' Fair. Planning for the event will begin this spring.

AGENDA ITEM # 3.3  
FOR AGENDA OF 10/26/04

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Budget Amendment #6 Permit Center/City Hall Remodel

PREPARED BY: Loreen Mills

DEPT HEAD OK [Signature]

CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Budget amendment needed to pay for unanticipated expenses for the Permit Center/City Hall "DUST" Remodel Project.

STAFF RECOMMENDATION

Approve budget amendment #6 transferring \$80,000 from facilities fund contingency to the DUST project.

INFORMATION SUMMARY

In developing the original budget for the Permit Center/City Hall "DUST" Remodel, service and program impacts were reviewed along with anticipated fiscal projections. With that information in place, the budget was set for the remodel and is adequate except for two areas that were unknown to staff at the time of budget preparation.

As Council knows from previous updates on the DUST Remodel Project, there was a question whether there was enough money budgeted for the project.

- Before the Library relocated to its new location, there was an electrical panel fire in the building (now called the Permit Center). This fire resulted in the need for new electrical service being brought into the building from Hall Blvd. along with more electrical work being done in the building. This work requires \$40,000 more for the project to be completed.
- Wiring for the low voltage needs in the Permit Center (phone and computers) was planned to be completed by in-house staff when the budget was developed. Since that time, it has been determined that a contract must be let for this work since in-house staff do not have the correct licenses to do the job. This work will cost \$39,987, thus \$40,000 more is required for the project to be completed.

If a budget amendment is not approved, there will not be enough funds to complete the project in the Permit Center.

OTHER ALTERNATIVES CONSIDERED

N/A

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The vision identifies "adequate facilities are available for efficient delivery of life-long learning and programs and services for all ages." That goal identified by Tigard's citizens resulted in the construction of a new library. At the time the new library bond was passed by Tigard voters, the City made the commitment that the existing Library and City Hall buildings would be remodeled to accommodate the programming needs of the administrative departments of the City for the next 10 years.

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## ATTACHMENT LIST

- Resolution approving budget amendment #6 to the FY 2004-05 budget to increase appropriations in the facilities fund.
- Resolution Attachment A showing the transfer amount.

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## FISCAL NOTES

Funds are budgeted in the 2004-05 FY budget to cover the entire cost of the project other than the two unanticipated items listed above in the summary section. A breakdown of the transfer request of \$80,000 from the facilities fund contingency (currently at \$545,500) is attached to the following resolution.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-\_\_\_\_\_

A RESOLUTION APPROVING BUDGET AMENDMENT #6 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE FACILITY FUND FOR REMODEL EXPENSES OF THE PERMIT CENTER/CITY HALL PROJECT.

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WHEREAS, the City made a promise to the voters of Tigard that with the passage of the Library Construction Bond the old library building and City Hall would be renovated to accommodate City program and staff needs; and

WHEREAS, before the Library relocated to its new location, there was an electrical panel fire in the building (now called the Permit Center) and this fire resulted in the need for new electrical service being brought into the building along with more electrical work being done in the building which is estimated to cost \$40,000; and

WHEREAS, wiring for the low voltage needs in the Permit Center (phone and computers) was planned to be completed by in-house staff when the budget was developed and it has now been determined that a contract must be let for this work since in-house staff do not have the correct licenses to do the job which is estimated to cost \$40,000.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2004-05 Adopted Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution for the funding of additional electrical service requirements and low voltage cabling in the Permit Center.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard

Attachment A  
FY 2004-05  
Budget Amendment # 6

FY 2004-05 Revised Budget	Budget Amendment # 6	Revised Revised Budget
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**Facility Fund**

Resources

Beginning Fund Balance	\$4,160,600		\$4,160,600
Interest Earnings	82,300		82,300
Transfers In from Other Funds	419,350		419,350
<b>Total</b>	<b>\$4,662,250</b>	<b>\$0</b>	<b>\$4,662,250</b>

Requirements

Debt Service	\$0		\$0
Capital Improvements	\$2,772,500	\$80,000	\$2,852,500
Transfers to Other Funds	\$592,002		\$592,002
Contingency	\$545,500	(\$80,000)	\$465,500
<b>Total Requirements</b>	<b>\$3,910,002</b>	<b>\$0</b>	<b>\$3,910,002</b>
Ending Fund Balance	\$752,248		\$752,248
<b>Grand Total</b>	<b>\$4,662,250</b>	<b>\$0</b>	<b>\$4,662,250</b>

Resolution No. 04-\_\_\_\_\_

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendment to the Management, Supervisory, and Confidential Personnel Policies

PREPARED BY: Sandy Zodrow SZ DEPT HEAD OK Sam Gr WAM CITY MGR OK ECM mmmm

ISSUE BEFORE THE COUNCIL

Should the Council approve amendments to the Personnel Policies for the Management, Supervisory and Confidential Group

STAFF RECOMMENDATION

Approve the amended Personnel Policies for the Management, Supervisory, and Confidential Group

INFORMATION SUMMARY

These amendments to the Personnel Policies for those employees included in the Management, Supervisory and Confidential Group (i.e. Directors, Division Managers, etc.) are proposed for two reasons:

- 1) The amendment to *Overtime, Policy No. 8.0*, adds new language as suggested by the Department of Labor regarding newly revised regulations in the Fair Labor Standards Act pertaining to exempt job classifications. The new FLSA rules create a "safe harbor" for erroneous deductions from exempt employees' salaries which might otherwise jeopardize their exempt status and possibly make them eligible for overtime pay. An employer will not lose the exemption of these positions under the FLSA if they adopt a written policy that prohibits the improper salary deduction, has a complaint mechanism, and acknowledges that the employer will make a good faith commitment to comply in the future. As suggested, this proposed language reiterates the City's responsibilities to comply with current federal law in not making improper deductions to the pay for exempt positions (typically high level executive, administrative or certain professional job classes) as set forth in the law. The amendment may serve as a future protection for the City should it ever receive a complaint from an exempt employee regarding an alleged improper deduction on a paycheck.
- 2) The amendment to *Holidays, Policy No. 9.0*, adds new language for management personnel working in the Library to correspond with holiday scheduling language the City recently negotiated in the new SEIU/OPEU labor contract for covered employees. The new language being proposed here will mirror the change the City implemented for SEIU/OPEU employees exchanging three (3) established holidays for three (3) floating holidays, thereby enabling the Library to remain open three (3) additional days during the year. The additional new language supports the administration of these changes in observed holidays. The change to the holiday schedule was initially proposed by the City/Library in order to better meet customer service goals.

OTHER ALTERNATIVES CONSIDERED



None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Not applicable

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ATTACHMENT LIST

a) Resolution b) Exhibit A – Proposed New Language

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FISCAL NOTES

Not applicable

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-

A RESOLUTION AMENDING THE PERSONEL POLICIES FOR MANAGEMENT, SUPERVISORY  
AND CONFIDENTIAL EMPLOYEES

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WHEREAS, the newly revised Fair Labor Standards Act provides employers protection against loss of the exempt status of positions classified as exempt under the law if they adopt language as referenced in Exhibit A, (Personnel Policies for MSC, Overtime, Policy No. 8.0); and

WHEREAS, the City and Library Department have determined that the operational needs of the Library require revisions in the observance and administration of holiday time for management personnel (Personnel Policies for MSC, Holidays, Policy No. 9.0).

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The revised and updated Personnel Policies for the Management Supervisory, and Confidential Group Employees as referenced in the attached Exhibit A is hereby adopted.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2004.

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Mayor - City of Tigard

ATTEST:

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Deputy City Recorder - City of Tigard

**Exhibit A – Amendments to Personnel Policies for  
Management, Supervisory and Confidential Group Employees**

October 26, 2004

1. Add new language, Overtime, Policy No. 8.0:

*Library Holidays*

Section 1. Holidays:

- a) New Year's Day, January 1
- b) Memorial Day, Last Monday in May
- c) Independence Day, July 4
- d) Labor Day, First Monday in September
- e) Veterans Day, November 11
- f) Thanksgiving Day, Fourth Thursday in November
- g) Christmas Day, December 25
- h) Three (3) floating holidays in lieu of 1) Martin Luther King  
2) President's Day 3) Friday after Thanksgiving

Section 2. Holidays will be observed on the actual day the holiday falls. For full time and part time employees not scheduled to work on the day a holiday falls, the employee will arrange with his/her supervisor to mutually schedule an alternative day off within sixty (60) days or the day of the City wide observance.

Section 3. Floating holidays will be accrued in each of the payroll periods in which the City's holiday actually occurs (see above listing of floating holidays).

Section 4. It is the responsibility of an employee who accrues a floating holiday under Section 3 to schedule the holiday time off at a time that is mutually agreeable to the employee and his/her supervisor. Any accrued but unused floating holiday time will not be lost at the end of the fiscal year.

Section 5. The employee will not be cashed out for holiday time.

2. Add new language, Holidays, Policy No. 9.0:

*The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging*

*improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Personnel Policies.*

*An employee who has been subject to an improper deduction will be reimbursed by the City no later than the next complete payroll period following the date that the determination of the improper deduction was first made by the City. The City will make good-faith efforts to ensure compliance with the rules concerning deductions from the salaries of exempt employees in the future.*

# **APPROVAL OF THE CITY'S MSTIP PROJECT LIST FOR CONSIDERATION IN THE COUNTY'S MSTIP TRANSPORTATION CAPITAL PROGRAM**

Council will receive materials for review in the Council Newsletter dated October 22, 2004. Material will reflect Council discussion from the October 19 City Council Workshop meeting and information gathered that was unavailable at packet due date.

**A COPY OF THE AGENDA ITEM SUMMARY WILL BE  
AVAILABLE IN THE CITY RECORDER'S OFFICE  
OCTOBER 22, 2004.**

For more information, contact the City Recorder's Office at 503-639-4171

AGENDA ITEM # 3.6  
FOR AGENDA OF October 26, 2004

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Revision to Council Ground Rules- Visitor's Agenda

PREPARED BY: Liz Newton

DEPT HEAD OK [Signature]

CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should the City Council adopt changes to the Council Ground Rules in regards to the Visitor's Agenda?

STAFF RECOMMENDATION

Recommend the "Visitor's Agenda" be renamed as "Citizen Communication" and adopt other changes as outlined in the attached memorandum to Council.

INFORMATION SUMMARY

During the study session portion of the September 28, 2004 Council meeting, Council gave direction for modification to the Council Ground rules. The Council based its directions on a conversation prompted by an analysis prepared by Joanne Bengtson of City Administration.

Joanne's analysis developed how various communities have utilized the equivalent of Tigard's Visitor's Agenda. Council considered the analysis and issued direction on changes to the Council Ground Rules.

OTHER ALTERNATIVES CONSIDERED

Make no changes to the current Visitor's Agenda.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

None

ATTACHMENT LIST

1. Memorandum from Bill Monahan to Council
2. Resolution with attachment
3. Exhibit "A" Resolution No. 01-47

FISCAL NOTES

There is no financial impact created by this action.

# MEMORANDUM

## Administration



TO: Honorable Mayor and City Council

FROM: Bill Monahan, City Manager

DATE: October 19, 2004

SUBJECT: Revision to Council Ground rules

During the study session portion of the September 28, 2004 Council meeting, Council gave direction for modification to the Council Ground rules. The Council based its directions on a conversation prompted by an analysis prepared by Joanne Bengtson of City Administration.

Joanne's analysis developed how various communities have utilized the equivalent of Tigard's Visitor's Agenda. Council considered the analysis and directed the following:

1. Agenda Item Title: Council directed that the title "Visitor's Agenda" be changed to "Citizen Communication".
2. Limit Comment to Non-Agenda Items: Council confirmed that statements made during the agenda item must be directed to topics not on that evening's Council agenda.
3. Time Limit: Council confirmed that the time limit for speakers during Citizen Communication will be two (2) minutes.
4. Response to Speakers: Council directed that following a Citizen Communication, either the Mayor, a Council member or staff member will comment what, if any, follow-up action will be taken to respond to the issue or issues raised. The comment will follow directly after the Citizen Communication and will include the following details:
  - a. A statement of the outcome sought by the citizen,
  - b. The action to be taken by the staff person assigned to the issue,
  - c. The staff person assigned to the issue.
5. Comment at Next Council Business Meeting: Council directed that a comment to address issues raised at the prior meeting be made at the next Council Business meeting, during the Citizen Communication portion of the meeting. The purpose of the comment is to provide Council and the Community with an update on the review of the issue, the action taken to address the issue, and a statement of what additional action is planned.
6. Attached are proposed revisions to the Council Ground rules to reflect the direction given by Council. Please review the proposed changes and determine if they accurately reflect your direction.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-

A RESOLUTION REVISING THE POLICY OF THE CITY COUNCIL REGARDING COUNCIL  
GROUNDRULES AND VISITOR'S AGENDA PROCESS (SUPERSEDING RESOLUTION NO. 01-47)

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WHEREAS, the Tigard City Council periodically reviews Council Groundrules; and

WHEREAS, the City Council, on September 28, 2004, directed that changes be made to "Exhibit A" of the  
City Council Groundrules and Visitor's Agenda Process; and

WHEREAS, it is the desire of the City Council to make the changes discussed, which will supersede  
Resolution No. 01-47.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Council hereby revises the Council Groundrules Visitor's Agenda as described in  
Exhibit "A" attached.

PASSED: This \_\_\_\_ day of \_\_\_\_\_, 2004

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Mayor, City of Tigard

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City Recorder - City of Tigard

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**EXHIBIT "A"**  
**Resolution No. 04\_\_\_\_\_**

**CITY COUNCIL GROUND RULES AND AGENDA PROCESS**

The following information is intended to assist with preparation for and the conduct of City Council meetings. The City Charter, Article IV, Section 13, contains regulations that govern Council meetings. The Groundrules describe the process followed by Council in scheduling and conducting meetings.

**Council/Mayor Roles**

- The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Presiding Officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager and all documents shall be attested to by the City Recorder. The Mayor shall appoint the committees provided by the Rules of Council.
- In all other actions, decisions and other matters relating to the conduct of business of the City, the Mayor or President shall have no more or less authority than any other Council member. For the purposes of this written procedure any reference to the Council (unless otherwise specifically noted to the contrary) will include the Mayor, President and Council members.

**Conduct of City Meetings**

- Council will meet at least once a month. Regularly scheduled meetings shall be on the second, third, and fourth Tuesdays of each month.
- The Council meetings on the second and fourth Tuesdays are "Business" meetings; the Council meetings on the third Tuesday of the month are "Workshop" meetings unless otherwise designated by the City Council.
- Unless specifically noted otherwise, the meetings of Council shall begin at 6:30 p.m. at the established place of meeting. On the second and fourth Tuesdays the meetings will begin with a Study Session following by the Business meeting. On the third Tuesday, the Workshop meeting will begin at 6:30 p.m.
- Roll Call/Voting Order: The roll shall be called in alphabetical order by last name. At each succeeding meeting at which a roll call vote is taken, the council person who voted last during the previous meeting, shall vote first and the Council person who

voted first during the preceding meeting shall vote second and so on in a rotating fashion. It is the intent that the voting order remain fixed for each meeting and that a different Council person shall vote last during each separate meeting for the duration of the meeting.

- Charter Section 19 provides that 'the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council.' A Council member who abstains or passes shall be considered present for determining whether a quorum exists, but shall not be counted as voting. Therefore, abstentions and 'passes' shall not be counted in the total vote and only votes in favor of or against a measure shall be counted in determining whether a measure receives a majority.
- The Chair, or other members if the Chair fails to remember, shall call for a Point of Order at or around 9:30 p.m. to review remaining items on the agenda with the Council. The Council may reset or reschedule those items, which it feels may not be reached prior to the regular time of adjournment.
- The Council's goal is to adjourn prior to 10 p. m. unless extended by majority consent of all Council members then present. If not continued by majority consent, then the meeting shall be adjourned to either the next scheduled meeting or the meeting shall be continued to a special meeting on another date.
- Definitions - Meeting Types, Study Sessions and Executive Sessions:

- > **BUSINESS MEETINGS:** Business meetings are regular meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions & conducting public hearings. Business meetings are open to the public. The regularly scheduled business meetings are televised.

Business meetings are generally scheduled to begin at 7:30 p.m. with a study session preceding the Business Meeting at 6:30 p.m. Study Sessions are a workshop-type of meeting (see definition below) which also provide an opportunity for the Council to review the business meeting agenda and to ask questions for clarification on issues or on process. Study Sessions are open to the public.

All Council meetings are open to the public with the exception of Executive Sessions. Executive Sessions can be called under certain circumstances and topics are limited to those defined by ORS 192.660.

- The "Citizen Communication" portion of the agenda is a regular feature on the Council Business meetings. This item will be placed near the beginning of the Council Agenda to give citizens a chance to introduce a topic to the City Council. Citizen Communications are limited to two minutes in length and must be directed to topics that are not on the Council Agenda for that meeting.

- At the conclusion of the Citizen Communication period, either the Mayor, a Council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the Council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later Council meeting.
- > **WORKSHOP MEETING:** Workshop meetings are regular meetings where Council reviews and discusses agenda topics with no intent of deliberating toward a final decision during the meeting. Workshop meetings are not currently scheduled to be televised but are open to the public.

Workshop agenda items are generally topics which Council is receiving preliminary information on and providing direction for further staff analysis and information gathering for a later business meeting. Workshop topics may also include discussions with standing boards and committees, as well as other governmental units.

Appropriate topics for Workshop meetings include:

- ~ Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
  - ~ Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e., is the issue on the right "track"?
  - ~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest (examples: other Councils, the School District, and other officials).
  - ~ Administrative Updates: Items such as calendar information, scheduling preferences, process checks.
- > **STUDY SESSIONS:** Study Sessions precede or follow a Business Meeting or Workshop Meeting. As stated above, they are conducted in a Workshop-type setting to provide an opportunity for Council to review the Business Meeting Agenda and to ask questions for clarification on issues or on process. Information is also shared on items that are time sensitive. During Study Sessions, any Council member may call for a Point of Order whenever he or she wishes to stop the "discussion" because he or she feels that it is more appropriate for the City Council to discuss the matter during the Council meeting. If a Point of Order is raised, the City Council will discuss the Point of Order and determine whether the "discussion" should continue on or be held during the Council meeting. The decision on whether to continue the "discussion" or not shall be determined by the majority consensus of the Council members present. If Council discusses a Council Agenda Topic in a Study Session prior to that Council meeting, either the Presiding Officer or City Manager will briefly state at the

introduction of the Agenda Topic, the fact that Council discussed the topic in the Study Session and mention the key points of the discussion.

- > EXECUTIVE SESSIONS: Meetings conducted by the Council, City Manager, and appropriate staff for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting after the Presiding Officer has identified the ORS authorization for holding the Executive Session. Among the permitted topics are employment of a public officer, deliberations with the persons designated by the Council to carry on labor negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

#### Policy Regarding Interrelationships Between the City Council and Its Appointed Commissions, Boards or Committees (hereinafter referred to as "Boards")

- The Council shall follow the Procedure for Recruitment and Appointments to Boards and Committees established in Resolution No. 95-60.
- Appointments to any committees not covered by Resolution No. 95-60 shall be made following the procedure provided within the Resolution or Ordinance, which created the committee.
- Appointments to intergovernmental committees shall be made by Council Action.
- Appointments of Council members to internal City committees as the Council Liaison shall be made by the City Council.
- It is Council policy to make known to the public, by notice in the Cityscape, of the occurrence of vacancies on City boards for the purpose of informing persons who may be interested in appointment.
- Council will entertain regular representation by persons outside the City on those boards, which provide for such non-city membership.
- The Mayor and one Council member will serve on the Mayor's Appointment Advisory Committee for the purpose of interviewing and recommending potential board members. Council members will serve on this Committee with the Mayor on a rotated basis for a term of six months. Terms shall begin January 1 and July 1.

#### Communications Between City Councilors, City Manager and Staff

- Councilors are encouraged to maintain open communications with the City Manager, both as a group and individually in one-on-one sessions.
- Councilors are encouraged to direct inquiries through the City Manager, giving as much information as possible to ensure a thorough response.

- In the absence of the City Manager, Councilors are encouraged to contact the Assistant to the City Manager. In the absence of both the City Manager and the Assistant to the City Manager, Councilors are encouraged to contact the Department Head, realizing that the Department Head will discuss any such inquiries with the City Manager.
- Contacts below the Department Head are discouraged due to the possible disruption of work, confusion on priorities, and limited scope of response.

### Council Agendas and Packet Information

- The City Manager will schedule agenda items while attempting to maintain balanced agendas to allow for discussion of topics while meeting the established 10 p.m. adjournment time.
- The City Manager will schedule items allowing time for staff research and the agenda cycle deadlines.
- The agenda cycle calls for submittal of items 10 days in advance of a Council meeting. Add-ons are to be minimized, as well as handouts distributed at the start of meetings, except Executive Sessions.
- Councilors and staff will prepare in advance of public meetings and issues should be presented fully in packets.
- Council is supportive of the role staff should play in offering professional recommendations. Staff is aware of Council's right to make final decisions after considering the staff recommendation, public input, the record and Council deliberation on the matter.

### Communications Among Councilors

- Councilors are encouraged to suggest agenda topics at the bench or to contact the City Manager about scheduling an item into the Tentative Agenda.
- Add-on Agenda items should be brought up at the start of the meeting and generally considered only if continuing to a later agenda is not appropriate.
- Requests for legislative action of Council may be initiated by an individual Council member during a Council meeting. The City Manager will respond to the request consistent with resources and priorities, or refer the question of scheduling to Council as a whole.

### Communications with Community/General Public

- Councilors and the General Public are reminded of the Agenda cycle and cut-off dates. Administrative staff is available to explain how public issues are handled and how citizen input may be accomplished.
- "Official" communication should come through City Hall and be provided by the City Manager. Direct submittal or inquiries to the Council or individual Councilors should be referred to the City Manager or Councilors may ask the City Manager to look into an issue.
- Official "press releases" are encouraged, both to assure accurate reporting and to advise Council and Staff of the official position communicated to the press. Press releases are through the City Manager's Office.

## General

- Councilors are always Councilors in the eyes of the Administration, never simply private citizens. Thus, Councilors are always treated by Administration as Council members.
- Information that "affects" the Council should go to Council. The City Manager is to decide on "gray areas," but too much information is preferable to too little.
- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.
- It is the policy of the Council that if Councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then Councilors have no comment.
- Councilors and the City Manager agree to report and discuss any contact, which might affect labor relations with the entire Council in Executive Session.
- The Council Groundrules will be submitted for review by Council each year either in the July or August Workshop Meeting. The Groundrules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.

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**EXHIBIT "A"**  
**Resolution No. 01-47**

**CITY COUNCIL GROUND RULES AND AGENDA PROCESS**

The following information is intended to assist with preparation for and the conduct of City Council meetings. The City Charter, Article IV, Section 13, contains regulations that govern Council meetings. The Groundrules describe the process followed by Council in scheduling and conducting meetings.

**Council/Mayor Roles**

- The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Presiding Officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager and all documents shall be attested to by the City Recorder. The Mayor shall appoint the committees provided by the Rules of Council.
- In all other actions, decisions and other matters relating to the conduct of business of the City, the Mayor or President shall have no more or less authority than any other Council member. For the purposes of this written procedure any reference to the Council (unless otherwise specifically noted to the contrary) will include the Mayor, President and Council members.

**Conduct of City Meetings**

- Council will meet at least once a month. Regularly scheduled meetings shall be on the second, third, and fourth Tuesdays of each month.
- The Council meetings on the second and fourth Tuesdays are "Business" meetings; the Council meetings on the third Tuesday of the month are "Workshop" meetings unless otherwise designated by the City Council.
- Unless specifically noted otherwise, the meetings of Council shall begin at 6:30 p.m. at the established place of meeting. On the second and fourth Tuesdays the meetings will begin with a Study Session following by the Business meeting. On the third Tuesday, the Workshop meeting will begin at 6:30 p.m.
- Roll Call/Voting Order: The roll shall be called in alphabetical order by last name. At each succeeding meeting at which a roll call vote is taken, the council person who voted last during the previous meeting, shall vote first and the Council person who



voted first during the preceding meeting shall vote second and so on in a rotating fashion. It is the intent that the voting order remain fixed for each meeting and that a different Council person shall vote last during each separate meeting for the duration of the meeting.

- Charter Section 19 provides that 'the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council.' A Council member who abstains or passes shall be considered present for determining whether a quorum exists, but shall not be counted as voting. Therefore, abstentions and 'passes' shall not be counted in the total vote and only votes in favor of or against a measure shall be counted in determining whether a measure receives a majority.
- The Chair, or other members if the Chair fails to remember, shall call for a Point of Order at or around 9:30 p.m. to review remaining items on the agenda with the Council. The Council may reset or reschedule those items, which it feels may not be reached prior to the regular time of adjournment.
- The Council's goal is to adjourn prior to 10 p. m. unless extended by majority consent of all Council members then present. If not continued by majority consent, then the meeting shall be adjourned to either the next scheduled meeting or the meeting shall be continued to a special meeting on another date.
- Definitions - Meeting Types, Study Sessions and Executive Sessions:

- > **BUSINESS MEETINGS:** Business meetings are regular meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions & conducting public hearings. Business meetings are open to the public. The regularly scheduled business meetings are televised.

Business meetings are generally scheduled to begin at 7:30 p.m. with a study session preceding the Business Meeting at 6:30 p.m. Study Sessions are a workshop-type of meeting (see definition below) which also provide an opportunity for the Council to review the business meeting agenda and to ask questions for clarification on issues or on process. Study Sessions are open to the public.

All Council meetings are open to the public with the exception of Executive Sessions. Executive Sessions can be called under certain circumstances and topics are limited to those defined by ORS 192.660.

The "Visitor's Agenda" is a regular feature on the Council Business meetings. This item will be placed near the beginning of the Council Agenda to give citizens and visitors a chance to introduce a topic to the City Council. Council may decide to refer an issue to staff and/or schedule the topic for a later Council meeting.

- > **WORKSHOP MEETING:** Workshop meetings are regular meetings where Council reviews and discusses agenda topics with no intent of deliberating toward a final decision during the meeting. Workshop meetings are not currently scheduled to be televised but are open to the public.

Workshop agenda items are generally topics which Council is receiving preliminary information on and providing direction for further staff analysis and information gathering for a later business meeting. Workshop topics may also include discussions with standing boards and committees, as well as other governmental units.

Appropriate topics for Workshop meetings include:

- Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
- Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e., is the issue on the right "track"?
- Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest (examples: other Councils, the School District, and other officials).
- Administrative Updates: Items such as calendar information, scheduling preferences, process checks.

- > **STUDY SESSIONS:** Study Sessions precede or follow a Business Meeting or Workshop Meeting. As stated above, they are conducted in a Workshop-type setting to provide an opportunity for Council to review the Business Meeting Agenda and to ask questions for clarification on issues or on process. Information is also shared on items that are time sensitive. During Study Sessions, any Council member may call for a Point of Order whenever he or she wishes to stop the "discussion" because he or she feels that it is more appropriate for the City Council to discuss the matter during the Council meeting. If a Point of Order is raised, the City Council will discuss the Point of Order and determine whether the "discussion" should continue on or be held during the Council meeting. The decision on whether to continue the "discussion" or not shall be determined by the majority consensus of the Council members present. If Council discusses a Council Agenda Topic in a Study Session prior to that Council meeting, either the Presiding Officer or City Manager will briefly state at the introduction of the Agenda Topic, the fact that Council discussed the topic in the Study Session and mention the key points of the discussion.

- > **EXECUTIVE SESSIONS:** Meetings conducted by the Council, City Manager, and appropriate staff for deliberation on certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting after the Presiding Officer has identified the ORS authorization for holding the Executive Session. Among the permitted topics are employment of a public officer, deliberations with the persons designated by the Council to carry on labor

negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

Policy Regarding Interrelationships Between the City Council and Its Appointed Commissions, Boards or Committees (hereinafter referred to as "Boards")

- The Council shall follow the Procedure for Recruitment and Appointments to Boards and Committees established in Resolution No. 95-60.
- Appointments to any committees not covered by Resolution No. 95-60 shall be made following the procedure provided within the Resolution or Ordinance, which created the committee.
- Appointments to intergovernmental committees shall be made by Council Action.
- Appointments of Council members to internal City committees as the Council Liaison shall be made by the City Council.
- It is Council policy to make known to the public, by notice in the Cityscape, of the occurrence of vacancies on City boards for the purpose of informing persons who may be interested in appointment.
- Council will entertain regular representation by persons outside the City on those boards, which provide for such non-city membership.
- The Mayor and one Council member will serve on the Mayor's Appointment Advisory Committee for the purpose of interviewing and recommending potential board members. Council members will serve on this Committee with the Mayor on a rotated basis for a term of six months. Terms shall begin January 1 and July 1.

Communications Between City Councilors, City Manager and Staff

- Councilors are encouraged to maintain open communications with the City Manager, both as a group and individually in one-on-one sessions.
- Councilors are encouraged to direct inquiries through the City Manager, giving as much information as possible to ensure a thorough response.
- In the absence of the City Manager, Councilors are encouraged to contact the Assistant to the City Manager. In the absence of both the City Manager and the Assistant to the City Manager, Councilors are encouraged to contact the Department Head, realizing that the Department Head will discuss any such inquiries with the City Manager.
- Contacts below the Department Head are discouraged due to the possible disruption of work, confusion on priorities, and limited scope of response.

### Council Agendas and Packet Information

- The City Manager will schedule agenda items while attempting to maintain balanced agendas to allow for discussion of topics while meeting the established 10 p.m. adjournment time.
- The City Manager will schedule items allowing time for staff research and the agenda cycle deadlines.
- The agenda cycle calls for submittal of items 10 days in advance of a Council meeting. Add-ons are to be minimized, as well as handouts distributed at the start of meetings, except Executive Sessions.
- Councilors and staff will prepare in advance of public meetings and issues should be presented fully in packets.
- Council is supportive of the role staff should play in offering professional recommendations. Staff is aware of Council's right to make final decisions after considering the staff recommendation, public input, the record and Council deliberation on the matter.

### Communications Among Councilors

- Councilors are encouraged to suggest agenda topics at the bench or to contact the City Manager about scheduling an item into the Tentative Agenda.
- Add-on Agenda items should be brought up at the start of the meeting and generally considered only if continuing to a later agenda is not appropriate.
- Requests for legislative action of Council may be initiated by an individual Council member during a Council meeting. The City Manager will respond to the request consistent with resources and priorities, or refer the question of scheduling to Council as a whole.

### Communications with Community/General Public

- Councilors and the General Public are reminded of the Agenda cycle and cut-off dates. Administrative staff is available to explain how public issues are handled and how citizen input may be accomplished.
- "Official" communication should come through City Hall and be provided by the City Manager. Direct submittal or inquiries to the Council or individual Councilors should be referred to the City Manager or Councilors may ask the City Manager to look into an issue.
- Official "press releases" are encouraged, both to assure accurate reporting and to advise Council and Staff of the official position communicated to the press. Press releases are through the City Manager's Office.

### General

- Councilors are always Councilors in the eyes of the Administration, never simply private citizens. Thus, Councilors are always treated by Administration as Council members.
- Information that "affects" the Council should go to Council. The City Manager is to decide on "gray areas," but too much information is preferable to too little.
- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.
- It is the policy of the Council that if Councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then Councilors have no comment.
- Councilors and the City Manager agree to report and discuss any contact, which might affect labor relations with the entire Council in Executive Session.
- The Council Groundrules will be submitted for review by Council each year either in the July or August Workshop Meeting. The Groundrules can be reviewed and revised at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.

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CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Accept a Law Enforcement Terrorism Prevention Grant and approve Budget Amendment #3 to appropriate grant funds and transfer contingency to allow the purchase of police radios, mobile data computers, and a digital video system.

PREPARED BY: Craig Prosser DEPT HEAD OK CP CITY MGR OK EAM for WAM

ISSUE BEFORE THE COUNCIL

Accept a Law Enforcement Terrorism Prevention grant and approve a budget amendment to allow expenditure of funds.

STAFF RECOMMENDATION

Accept the grant and approve Budget Amendment #3.

INFORMATION SUMMARY

On April 13, 2004 Council approved the submittal of a grant application to the State of Oregon - 2004 State Homeland Security Program (SHSP) to fund the purchase of equipment needed by the Police Department to improve and protect communications. The City applied for a grant of \$300,000 and was awarded \$164,958.

As a result of the War on Terror, police agencies are facing new federal requirements to protect communications. Tigard Police patrol cars are currently equipped with outdated mobile data computers (MDCs), capable of running no operating system more current than Windows 3.11. In order to become compliant the new federal requirements, the City must replace the existing MDCs with MDCs capable of running the industry standard operating systems, such as Windows 2000 or Windows XP. These operating systems are necessary to run the authentication and encryption software. As of September 1, 2005, transmissions from devices not running with encryption and authentication will not be accepted by the Law Enforcement Data System (LEDS), the agency who provides Tigard Police with access to mission critical data such as wants and warrants, vehicle registrations, etc. Without access to this data officer safety is seriously impacted.

The Police Department has formed a MDC Committee which is researching alternatives, identifying existing and future technology needs of City patrol cars, and evaluating demo systems.

At the same time that the City purchases MDCs, it will also install a digital video system in each police car. These systems will run whenever the car is on and have proven to be invaluable at other agencies. Not only does in-car video provide essential evidence, but the presence of video significantly reduces the number of filed complaints and serves as a valuable training tool.

Finally, the Law Enforcement Terrorism Prevention grant also includes funds to allow the purchase of 20 800 MHz "SmartZone" portable radios and supporting equipment. These radios will also improve communications with officers in the field.

The City has been aware of the need to replace the existing MDCs for two years, and last fiscal year budgeted for the replacement of 1/3 of the MDCs. Those replacements were put on hold, however, as information about the more powerful MDCs and new technology became available. The City considered including funds for this purchase in the FY 2004-05 Budget, but decided not to include these funds in an effort to improve the City's chances of obtaining grant funding for at least a portion of the MDCs needed. The plan discussed with the Budget Committee was to obtain grant funding and then to transfer any remaining funds needed from the General Fund contingency to complete the purchase. This resolution before Council implements this plan.

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#### OTHER ALTERNATIVES CONSIDERED

Decline the grant and pay for the needed equipment entirely with General Fund resources.

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

NA

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#### ATTACHMENT LIST

Resolution approving Budget Amendment #3 and Attachment A to that resolution.

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#### FISCAL NOTES

The total cost of all equipment encompassed by this Budget Amendment is \$414,958. Of that amount, \$164,958 is paid for using grant funds. The remaining \$250,000 is transferred from the General Fund contingency.

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-\_\_\_\_\_

A RESOLUTION TO ACCEPT A LAW ENFORCEMENT TERRORISM PREVENTION GRANT AND APPROVE BUDGET AMENDMENT #3 TO APPROPRIATE GRANT FUNDS AND TRANSFER CONTINGENCY TO ALLOW THE PURCHASE OF POLICE RADIOS, MOBILE DATA COMPUTERS, AND A DIGITAL VIDEO SYSTEM.

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WHEREAS, The City of Tigard applied for a grant in the amount of \$300,000 from the State of Oregon – 2004 Homeland Security Program to purchase equipment necessary to the protection of the citizens of Tigard from terrorist and criminal activity, and

WHEREAS, The City has received a notice of an award of a grant from the 2004 Homeland Security Program in the amount of \$164,958, and

WHEREAS, The grant award will fund a portion of the replacement of mobile data terminals in City Police vehicles with mobile data computers and purchase 20 800 MHz radios with supporting equipment, and

WHEREAS, It is necessary to transfer funding from the General Fund contingency to pay for the balance of the replacement mobile data computers needed for the police fleet and pay for digital video systems to be installed in police vehicles, and

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1. The City of Tigard accepts the Law Enforcement Terrorism Prevention Grant in the amount of \$164,958 from the State of Oregon - 2004 State Homeland Security Program (SHSP).

SECTION 2. The Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to recognize and appropriate grant funds and to transfer funds from the General Fund contingency to allow the purchase of mobile data computers and digital video systems for installation in City police vehicles.

SECTION 3. This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
Deputy City Recorder - City of Tigard

RESOLUTION NO. 04 -

Page 1



Attachment A  
FY 2004-05  
Budget Amendment # 3

FY 2004-05 Revised Budget	Budget Amendment # 3	Revised Revised Budget
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**General Fund**

Resources

Beginning Fund Balance	\$7,751,279		\$7,751,279
Property Taxes	9,398,805		9,398,805
Grants	72,527	164,958	237,485
Interagency Revenues	2,435,609		2,435,609
Development Fees & Charges	372,294		372,294
Utility Fees and Charges	0		0
Miscellaneous Fees and Charges	184,160		184,160
Fines and Forfeitures	592,840		592,840
Franchise Fees and Business Tax	2,944,042		2,944,042
Interest Earnings	172,500		172,500
Bond/Note Proceeds	0		0
Other Revenues	68,200		68,200
Transfers In from Other Funds	2,145,314		2,145,314
<b>Total</b>	<b>\$26,114,103</b>	<b>\$164,958</b>	<b>\$26,279,061</b>

Requirements

Community Service Program	\$10,359,639	\$414,958	\$10,774,597
Public Works Program	2,446,197		2,446,197
Development Services Program	2,554,196		2,554,196
Policy & Administration Program	344,706		344,706
General Government	0		0
Program Expenditures Total	\$15,704,738	\$414,958	\$16,119,696
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$3,758,056		\$3,758,056
Contingency	\$786,992	(\$250,000)	\$536,992

<b>Total Requirements</b>	<b>\$20,226,319</b>	<b>\$164,958</b>	<b>\$20,391,277</b>
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Ending Fund Balance	5,887,784		5,887,784
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<b>Grand Total</b>	<b>\$26,114,103</b>	<b>\$164,958</b>	<b>\$26,279,061</b>
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AGENDA ITEM # 5  
FOR AGENDA OF October 26, 2004

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Permit Center Update

PREPARED BY: Jim Hendryx DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Receive an update on the new Permit Center.

STAFF RECOMMENDATION

Receive an update on the new Permit Center. No action necessary.

INFORMATION SUMMARY

Voters approved the construction of the new City Library in May 2002. With the Library moving from the City Hall site, the City had the opportunity to determine how best to use the vacated space. After a detailed space analysis of existing and future space needs, it was determined that Community Development, Engineering, Human Resources, and Risk should relocate into the old Library space (Permit Center). This is the first step in moving several departments and divisions into space which will serve present and future needs in a more efficient manner.

The Permit Center totals approximately 13,000 square feet. This new location offers an opportunity to better serve our customers through improved facilities and expanded services. The front counter, where most customer transactions occur, will be expanded. Additional conference rooms will be available and staff will be centrally located to better serve the public and allow improved department coordination. The public will be able to come to one location to meet their permitting needs.

The Permit Center has undergone limited remodeling to accommodate its new use. Every effort was made to minimize cost. Existing furniture and partitions are being relocated to minimize the need for new purchases. The major upgrades are to the HVAC and plumbing systems to accommodate the new building configuration and staffing needs.

As currently scheduled, Community Development, Engineering, Human Resources, and Risk will move during the week of November 15<sup>th</sup>. Normal business hours will be maintained during the move. Once the Permit Center is operational, City Hall will be upgraded with the remaining members of the Finance staff moving in.

OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

None

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FISCAL NOTES

The City budgeted \$1.152 million combined for the Permit Center remodel and the City Hall upgrade. It is estimated that the remodel of the Permit Center to be approximately 60-70% of the total amount.

AGENDA ITEM # 6  
FOR AGENDA OF October 26, 2004

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution to Expand the Mission of and Add New Members to the Transportation Financing Strategies Task Force.

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK E. M. F. W. A. M.

ISSUE BEFORE THE COUNCIL

Amendment of Resolution No. 04-52 modifying the Transportation Financing Strategies Task Force mission by adding the evaluation of feasible funding sources for the construction of sidewalks and rights-of-way maintenance on collector and arterial streets. Addition of two new members to the Task Force.

STAFF RECOMMENDATION

Staff recommends approval of the attached resolution amending Resolution No. 04-52.

INFORMATION SUMMARY

The Transportation Financing Strategies Task Force was created by City Council Resolution No. 01-06 to explore feasible funding strategies for implementing transportation improvements and to assist in the development and implementation of those strategies. City Council established a Street Maintenance Fee as recommended by the Task on November 18, 2003 through Ordinance No. 3-10 and approved the rates to be charged on February 24, 2004 through Resolution No. 04-12. On July 13, 2004, City Council reconstituted the Task Force to continue with the evaluation of new funding sources to design and construct transportation projects.

The proposed resolution would modify the mission of the Transportation Financing Strategies Task Force by adding the evaluation of feasible funding sources for the construction of sidewalks and rights-of-way maintenance on collector and arterial streets. Two new members (increasing the number of members from nine to eleven) are proposed for inclusion in the Task Force membership.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Any new funding sources recommended by the Task Force will contribute towards Transportation and Traffic Goal 3, *Identify and Develop Funding Resources*.

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## ATTACHMENT LIST

- Proposed Resolution  
    Revised Exhibit A to the Resolution
- Resolution No. 04-52

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## FISCAL NOTES

Any new funding sources established through the Task Force recommendations and City Council action would be incorporated into the City's revenue for use in sidewalk improvements and rights-of-way maintenance.

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**CITY OF TIGARD, OREGON**

**RESOLUTION NO. 04-\_\_\_\_\_**

**A RESOLUTION AMENDING RESOLUTION NO. 04-52, WHICH RECONSTITUTED THE TRANSPORTATION FINANCING STRATEGIES TASK FORCE.**

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**WHEREAS**, the Transportation Financing Strategies Task Force was created by City Council Resolution No. 01-06 to explore feasible funding strategies for implementing transportation improvements and to assist in the development and implementation of those strategies; and

**WHEREAS**, City Council established a Street Maintenance Fee, as recommended by the Task Force, by Ordinance No. 3-10 on November 18, 2003 and approved the rates to be charged by Resolution No. 04-12 on February 24, 2004; and

**WHEREAS**, on July 13, 2004, the City Council, through Resolution No. 04-52, reconstituted the Task Force to continue with the evaluation of feasible funding sources for major transportation improvements; and

**WHEREAS**, two additional Task Force members are proposed; and

**WHEREAS**, City Council finds that the Task Force should also evaluate funding sources for the construction of sidewalks and right-of-way maintenance on collector and arterial streets.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** Resolution No. 04-52, Sections 1, 2 and 5 are amended to read as follows:

Deleted language is shown as a ~~strike through~~ of language; added language shown by an underline of language.

**SECTION 1:** The Transportation Financing Strategies Task Force is hereby reconstituted to continue with the evaluation of feasible funding sources for major transportation improvements. Its membership shall consist of those individuals listed on the attached revised Exhibit "A." dated October 26, 2004.

**SECTION 2:** The mission of the Task Force is to:

- (1) Explore feasible funding strategies for design and construction of major transportation improvements, as well as for the construction of sidewalks and right-of-way maintenance on collector and arterial streets. and dDevelop recommendations for presentation to City Council; and
- (2) Report to City Council the Task Force findings and recommendations on the funding strategies that should be further pursued together with the public process necessary to develop and implement those strategies; and

- (3) Based on Council direction, spearhead efforts to further develop and implement strategies with the goal of providing funding for key transportation improvements.

**SECTION 5:** The reconstituted Task Force shall select a chair to preside over the meetings. The Task Force shall operate under Roberts Rules of Order. All meetings shall be noticed and conducted in accordance with the State of Oregon public meetings law. A quorum consisting of at least 5 6 members shall be required for the Task Force to meet. Minutes shall be recorded at every official meeting of the Task Force.

**SECTION 2:** This resolution is effective immediately upon passage.

**PASSED:** This \_\_\_\_\_ day of \_\_\_\_\_ 2004.

\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

\_\_\_\_\_  
Deputy City Recorder - City of Tigard

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**EXHIBIT A**  
**Revised**

**RECONSTITUTED TRANSPORTATION FINANCING  
STRATEGIES TASK FORCE MEMBERSHIP**

Revised October 26, 2004

Beverly Froude

Paul Owen

Cam Gilmour

Nick Wilson (Council President)

Joe Schweitz

Gretchen Buehner (Planning Commission Representative)

Oregon Grocery Association  
Joe Gilliam (Primary)  
Dan Floyd (Alternate)

Basil Christopher

Steve Clark

Ralph G. Hughes (Chamber of Commerce Representative)

Marty Anderson (Planning Commission Representative)



**CITY OF TIGARD, OREGON**

**RESOLUTION NO. 04-52**

**A RESOLUTION TO RECONSTITUTE THE TRANSPORTATION FINANCING STRATEGIES TASK FORCE TO EXPLORE FEASIBLE FUNDING STRATEGIES FOR MAJOR TRANSPORTATION IMPROVEMENTS, PRESENT FINDINGS, PROVIDE RECOMMENDATIONS TO CITY COUNCIL ON THOSE STRATEGIES THAT SHOULD BE FURTHER PURSUED, AND ASSIST IN THE DEVELOPMENT AND IMPLEMENTATION OF THOSE STRATEGIES.**

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**WHEREAS**, the Transportation Financing Strategies Task Force was created by City Council Resolution No. 01-06 to explore feasible funding strategies for implementing transportation improvements and to assist in the development and implementation of those strategies; and

**WHEREAS**, the Task Force began meeting in April 2001 and subsequently recommended implementation of a Street Maintenance Fee to address street maintenance needs in the City; and

**WHEREAS**, City Council established the Street Maintenance Fee by Ordinance No. 3-10 on November 18, 2003 and approved the rates to be charged by Resolution No. 04-12 on February 24, 2004; and

**WHEREAS**, the Tigard Transportation System Plan adopted in 2002 identified a wide variety of transportation-related projects that need to be completed to address the current and future transportation demands; and

**WHEREAS**, the Task Force must continue with the task of evaluating new funding sources to design and construct some of these critically needed projects; and

**WHEREAS**, some members of the Task Force will no longer be able to continue with that work; and

**WHEREAS**, additional members will need to be added to the Task Force to provide increased representation from the business community; and

**WHEREAS**, the mission for the reconstituted task force conforms to the Tigard Beyond Tomorrow Transportation and Traffic goal and strategy of examining current and possible new sources of funding for major transportation improvements.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** The Transportation Financing Strategies Task Force is hereby reconstituted to continue with the evaluation of feasible funding sources for major transportation improvements. Its membership shall consist of those individuals listed on the attached Exhibit "A."

**SECTION 2:** The mission of the Task Force is to:

- (1) Explore feasible funding strategies for design and construction of major transportation improvements and develop recommendations for presentation to City Council; and
- (2) Report to City Council the Task Force findings and recommendations on the funding strategies that should be further pursued together with the public process necessary to develop and implement those strategies; and
- (3) Based on Council direction, spearhead efforts to further develop and implement strategies with the goal of providing funding for key transportation improvements.

**SECTION 3:** The Task Force shall provide progress reports to City Council every quarter.

**SECTION 4:** The City Engineer shall be assigned as staff liaison to the Task Force. Other City staff shall be used to support the Task Force activities as deemed necessary throughout the entire process.

**SECTION 5:** The reconstituted Task Force shall select a chair to preside over the meetings. The Task Force shall operate under Roberts Rules of Order. All meetings shall be noticed and conducted in accordance with the State of Oregon public meetings law. A quorum consisting of at least 5 members shall be required for the Task Force to meet. Minutes shall be recorded at every official meeting of the Task Force.

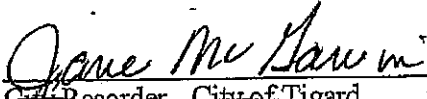
**SECTION 6:** The need for continuation of the Task Force shall be evaluated one year after reconstitution. The Task Force mission shall be deemed accomplished after City Council is satisfied that the mission of the Task Force has been accomplished. Task Force deactivation or reconstitution shall be by resolution at that time.

**SECTION 7:** This resolution is effective immediately upon passage.

**PASSED:** This 13<sup>th</sup> day of July 2004.

  
\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

  
\_\_\_\_\_  
City Recorder - City of Tigard

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RESOLUTION NO. - 04-52

Page 2

## **EXHIBIT A**

### **RECONSTITUTED TRANSPORTATION FINANCING STRATEGIES TASK FORCE MEMBERSHIP**

Effective July 13, 2004

Beverly Froude

Paul Owen

Cam Gilmour

Nick Wilson (Council President)

Joe Schweitz

Gretchen Buehner (Planning Commission Representative)

Oregon Grocery Association

Joe Gilliam (Primary)

Dan Floyd (Alternate)

Basil Christopher

Steve Clark